

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:

Okie Dokie, Inc.

t/a Dream

Holder of a Retailer's License

Class "CN" at premises

1350 Okie Street, N.E.

Washington, D.C.

Respondent

Case No. 50145-03/038C

Order No. 2004-45

BEFORE: Charles A. Burger, Chairperson
Vera M. Abbott, Member
Audrey E. Thompson, Member
Judy A. Moy, Member
Peter B. Feather, Member¹

ALSO PRESENT: David Wilmot, Esquire, and Andrea Bagwell, Esquire,
on behalf of the Respondent

Bennett Rushkoff, Assistant Attorney General, D.C.,
on behalf of the District of Columbia

Fred P. Moosally, III, General Counsel
Alcoholic Beverage Regulation Administration

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDER**

On August 13, 2003, the Alcoholic Beverage Control Board ("Board"), pursuant to D.C. Official Code § 25-823 (2001) and 23 DCMR § 1502.1 (1997)², scheduled a show cause hearing for September 17, 2003 on the Retailer's License Class "CN" held by Okie Dokie, Inc., t/a Dream ("Respondent") based upon an investigation conducted by Alcoholic Beverage Regulation Administration ("ABRA") Investigator Donnell S. Butler as a result of two complaints that were

¹ ABC Board member Peter Feather was not a member when these proceedings were initiated and did not participate or vote on this matter. ABC Board member Vera M. Abbott did not participate in all of the proceedings. As a result, Ms. Abbott did not vote on this matter. Pursuant to D.C. Official Code § 25-431(b) (2001), three members of the Board constitute a quorum.

² The Alcoholic Beverage Control Board adopted a new version of Title 23 of the District of Columbia Municipal Regulations ("DCMR") as published in the D.C. Register at 51 DCR 4309 (April 30, 2004). The Board's show cause authority can now be found at 23 DCMR § 1604.1 (2004) as well as D.C. Official Code § 25-447 (2001).

received. The first complaint was received on August 12, 2002 from the United States Park Police ("U.S. Park Police") regarding an investigation into a vehicular homicide dated August 10, 2002, involving a U.S. Park Police Officer. A second complaint was received on September 10, 2002 from Jimmy A. Bell, Esq., Law Office of Jimmy A. Bell, PC. The grounds for the show cause hearing were set forth in the Notice to Show Cause, dated August 13, 2003, which was served upon the Respondent.

The case came before the Board for show cause proceedings held on September 17, 2003, October 29, 2003, and December 3, 2003 based upon the two charges set forth in the August 13, 2003 Notice to Show Cause, as described below. At the conclusion of the December 3, 2003 show cause hearing, the Board took its decision in this matter under advisement.

The Board considered in making its decision the evidence addressed at the hearings, the testimony of the witnesses, the arguments of counsel, exhibits admitted in the hearings, and the documents comprising the Board's official file in making the following:

FINDINGS OF FACT

1. The establishment is owned by Marc Stephen Barnes and Anne Margaret Barnes who are the President and Vice President respectively of Okie Dokie, Inc. (Tr. 12/3/03 at 79-80; ABRA Application File No. 50145.) The establishment holds a Retailer's License Class "CN" and is located at 1350 Okie Dokie Street, N.E. (ABRA Application File No. 50145; Tr. 10/29/03 at 4.)
2. The Board issued the Notice to Show Cause, dated August 13, 2003, to the Respondent, based upon an investigation conducted by ABRA Investigator Donnell S. Butler as a result of two complaints that were received. (See Show Cause Case File No. 50104-03/038C.) The first complaint was received on August 12, 2002 from the U.S. Park Police regarding an investigation into a vehicular homicide dated August 10, 2002, involving a U.S. Park Police Officer. (See Show Cause Case File No. 50145-03/038C.) A second complaint was received on September 10, 2002 from Jimmy A. Bell, Esq., Law Office of Jimmy A. Bell, PC. (See Show Cause Case File No. 50145-03/038C.)
3. The Notice to Show Cause, dated August 13, 2003, charges the Respondent with: (1) selling or allowing to be sold, at the licensed establishment, alcoholic beverages to an individual under the age of twenty-one (21) years in violation of D.C. Official Code § 25-781(a)(1) (2001), and (2) allowing the consumption of alcoholic beverages at the licensed establishment by an individual under the age of twenty-one (21) years in violation of D.C. Official Code § 25-781(b)(1) (2001). (See Show Cause Case File No. 50145-03/038C.)
4. Robert W. Scherr is a Detective with the U.S. Park Police. (Tr. 9/17/03 at 3.) The Board continued the show cause hearing until October 29, 2003. (Tr. 10/29/03 at 37.) Detective Scherr currently works as a Detective in the Major Crimes Branch of the U.S. Park Police and has been in this position for over four years. (Tr. 12/3/03 at 38.)

5. Detective Scherr was involved in the arrest of Ms. Jovada Welch on the morning of Saturday, August 10, 2002. (Government's Exhibit No. 1; Tr. 9/17/03 at 69.) Ms. Welch on August 11, 2002. (Tr. 9/17/03 at 38.) The accident occurred in Maryland. (Tr. 9/17/03 at 39.) Detective Scherr stated that Ms. Welch waived both her arrest, Ms. Welch appeared to be intoxicated. (Tr. 9/17/03 at 70, 72, 103, 118.) Ms. Welch was not given a sobriety test at the scene of the accident but was later taken to the hospital to get a blood test. (Tr. 9/17/03 at 141, 143.)

6. Ms. Welch's blood alcohol level was 0.10 at the time of her arrest. (Tr. 9/17/03 at 69.) Detective Scherr testified that the legal blood alcohol limit in the state of Maryland is 0.08. (Tr. 9/17/03 at 147.) Ms. Welch's blood test was performed at Prince George's County Hospital and her samples were sent out to a certified testing agency used by the U.S. Park Police. (Tr. 9/17/03 at 132.) Detective Scherr noted that a blood test is performed on every driver any time there is a motor vehicle accident that results in serious injury or death. (Tr. 9/17/03 at 133.)

7. Ms. Welch was 0.10 at the time of her arrest and her license was subsequently obtained by Detective Scherr. (Government's Exhibit Nos. 3, 4; Tr. 9/17/03 at 71, 76-77, 85, 106-107.) Detective Scherr noted that the time of Maryland is 0.08. (Tr. 9/17/03 at 147.) Detective Scherr stated that Ms. Welch's person subsequent to the search. (Tr. 9/17/03 at 109.)

8. Detective Scherr and Detective Ludwick met with Ms. Jovada Welch again on Saturday, August 10, 2002, at approximately 6:55 a.m. – after she returned from Prince George's County Hospital – and interviewed Ms. Welch at the U.S. Park Police District 4 Greenbelt Station at approximately 6:59 a.m., while she was in the custody of the U.S. Park Police. (Government's Exhibit No. 1; Tr. 9/17/03 at 38-40, 65, 103-104.) Detective Sergeant Dowd and Officer Dupee with the U.S. Park Police were also present during the interview. (Government's Exhibit No. 1; Tr. 9/17/03 at 39.) Ms. Welch waived both her right to remain silent and her right to have an attorney present at the beginning of the interview. (Government's Exhibit No. 1; Tr. 9/17/03 at 40, 105; Tr. 10/29/03 at 84.) Detective Scherr completed a report of his August 10, 2002 interview with Ms. Welch on August 11, 2002. (Government's Exhibit No. 1; Tr. 9/17/03 at 49-53.)

9. Detective Scherr indicated that Ms. Welch did not appear to be intoxicated at the time of her interview, and that Ms. Welch was coherent and able to explain the series of events that led to the accident. (Tr. 9/17/03 at 72, 104-105, 134, 146; Tr. 10/29/03 at 201.) Detective Scherr noted that during the interview Ms. Welch stated that she drove by herself to Dream on Friday, August 9, 2002. (Government's Exhibit No. 1; Tr. 9/17/03 at 116.) Detective Scherr testified that during the interview Ms. Welch indicated that she had not gone anywhere else before going to Dream. (Tr. 9/17/03 at 116.) Detective Scherr indicated that during the interview Ms. Welch stated she had not consumed any alcoholic beverages prior to or after leaving Dream. (Tr. 9/17/03 at 116-118.) Detective Scherr noted that during the interview Ms. Welch admitted to drinking three alcoholic beverages known as Bacardi Silvers at Dream. (Government's Exhibit No. 1; Tr. 9/17/03 at 40-41, 45-46, 102, 129; Tr. 10/29/03 at 199.) Detective Scherr indicated that during the interview Ms. Welch stated that she arrived at Dream between 10:00 p.m. and 10:30 p.m. on August 9, 2002, and that she left Dream between 2:30 a.m. and 3:00 a.m. on Saturday, August 10, 2002. (Government's Exhibit No. 1; Tr. 9/17/03 at 41, 48, 117.)

10. Detective Scherr stated that during the interview Ms. Welch admitted to consuming her first Bacardi Silver between 10:45 p.m. and 11:00 p.m.; consuming her second Bacardi Silver between 11:30 p.m. and 11:45 p.m.; and, consuming her third Bacardi Silver between 12:45 a.m. and 1:15 a.m. (Tr. 9/17/03 at 41, 117.) Detective Scherr noted that during the interview Ms. Welch stated that she paid for all three alcoholic beverages with cash. (Government's Exhibit No. 1; Tr. 9/17/03 at 48, 136-137.)

11. Detective Scherr noted that during the interview Ms. Welch stated she was twenty (20) years old, which was supported by documentation obtained by the U.S. Park Police. (Government's Exhibit Nos. 1, 3 and 4; Tr. 9/17/03 at 49; Tr. 10/29/03 at 186.)

12. Ms. Welch wrote and signed a Defendant/Suspect Statement ("Statement") on the morning of August 10, 2002. (Government's Exhibit No. 2; Tr. 9/17/03 at 62-64.) Ms. Welch's Statement was taken after an oral interview was conducted with Ms. Welch. (Tr. 9/17/03 at 64.) Ms. Welch was instructed to write down, in her Statement, what she told the police during the oral interview. (Tr. 9/17/03 at 64, 119-120.) Detective Scherr witnessed Ms. Welch write out her Statement. (Tr. 9/17/03 at 67, 119.)

13. Detective Scherr testified that the entire interview process began at 6:59 a.m., with the oral interview of Ms. Welch, and ended at 7:43 a.m., with Ms. Welch completing her written Statement. (Government's Exhibit No. 1; Tr. 9/17/03 at 65, 103, 120.)

14. Detective Scherr recalled taking photographs of Ms. Welch on August 10, 2002. (Government's Exhibit No. 6; Tr. 9/17/03 at 87-88.) Detective Scherr indicated that when the photographs were taken, Ms. Welch was wearing the same clothing as at the time of her arrest, except for a gauze pad on her arm. (Tr. 9/17/03 at 88.) Detective Scherr noted that Ms. Welch wore the gauze pad because a blood test was performed on Ms. Welch at the hospital in between the time she was arrested and the time she was interviewed. (Tr. 9/17/03 at 88-89, 104.) Detective Scherr stated that Ms. Welch was not wearing a night club wrist band and did not have a stamp or any other marking to denote the fact that she was underage. (Tr. 9/17/03 at 138.)

15. On August 14, 2002, Ms. Welch's car was searched by U.S. Park Police Identification Technician Ritacco. (Government's Exhibit No. 4; Tr. 9/17/03 at 79-80, 110, 121-122.) Detective Scherr noted that Detective Dowd instructed Identification Technician Ritacco to look for a fake or false ID in Ms. Welch's vehicle but that a fake or false ID was not found. (Tr. 9/17/03 at 121, 123; Tr. 10/29/03 at 186.) Detective Scherr stated that the following items were recovered from Ms. Welch's car by Identification Technician Ritacco: a birth certificate, Social Security card, and a provisional driver's license, all in the name of Ms. Welch, as well as a big stuffed animal, a cell phone, a Visa Gold Check Card, and \$42 in her glove compartment. (Government's Exhibit No. 4; Tr. 9/17/03 at 79-80, 85, 111-112, 136.) An empty bottle of Olde English Grand 800 Malt Liquor was found on the front passenger floor board of Ms. Welch's car, and an empty bottle of Martini & Rossi (750ml) was found on the right rear passenger floor board of Ms. Welch's car. (Government's Exhibit No. 8; Tr. 9/17/03 at 112, 118-119, 135; Tr. 10/29/03 at 197.) Detective Scherr testified that the Evidence/Property Control Receipts, marked as Government Exhibits 7 through 12, represented a complete list of all property removed from

Ms. Welch's vehicle by the U.S. Park Police. (Government's Exhibit No. 7-12; Tr. 10/29/03 at 181-182, 186.) Detective Scherr stated that about a month after Ms. Welch's vehicle had been impounded, he accompanied Susan Bauer, Ms. Welch's attorney, to the impoundment lot. (Tr. 10/29/03 at 190.) Detective Scherr was not aware of any U.S. Park Police records reflecting the removal of any items from the vehicle by Ms. Bauer. (Tr. 10/29/03 at 191-193.)

16. Detective Scherr was not at Dream on the night of August 9, 2002 and the morning of August 10, 2002. (Tr. 9/17/03 at 90-91, 131.) Detective Scherr did not talk to anyone after August 9, 2002 or August 10, 2002 to confirm whether or not Ms. Welch was at Dream. (Tr. 9/17/03 at 92.) Detective Scherr did not speak with anyone at Dream to confirm whether Ms. Welch was by herself or with another person. (Tr. 9/17/03 at 131.) Detective Scherr did not remember whether or not Ms. Welch told him how she gained entrance into Dream. (Tr. 9/17/03 at 93.) Detective Scherr did not recall if Ms. Welch told him whether or not she showed identification to get into the establishment, and whether or not she was carded to get into the establishment. (Tr. 9/17/03 at 93-94.)

17. Detective Scherr stated that the initial focus of the U.S. Park Police accident investigation was the fact that Ms. Welch had been drinking, and not where she had been drinking, who she was drinking with, or whether she was carded to get into Dream. (Tr. 9/17/03 at 96-97, 122, 129.) Detective Scherr indicated that underage drinking at Dream was never the focus of the U.S. Park Police investigation. (Tr. 9/17/03 at 128-129.) No one in connection with the U.S. Park Police was present at Dream to observe Ms. Welch consuming three alcoholic beverages. (Tr. 9/17/03 at 102.) Detective Scherr recalled that the U.S. Park Police did not identify any specific bartenders who remembered serving Ms. Welch. (Tr. 9/17/03 at 103.)

18. Detective Scherr stated that ABRA contacted him by phone and that he was interviewed by ABRA Director Maria Delaney and ABRA Investigator Donnell Butler. (See Show Cause Case File No. 50104-03/038C; Tr. 9/17/03 at 148, 151.) Detective Scherr was provided surveillance tapes from Dream revealing the activities that took place in the establishment on the night of August 9, 2002 and the morning of August 10, 2002. (Tr. 9/17/03 at 149.) Detective Scherr noted that Detective Sergeant Robinson, with the Criminal Investigation Branch of the U.S. Park Police, reviewed the surveillance tapes. (Tr. 9/17/03 at 150; Tr. 10/29/03 at 160.) Detective Scherr stated that the tapes did not show Ms. Welch entering the establishment or purchasing alcoholic beverages within the establishment. (Tr. 9/17/03 at 150.)

19. Ms. Jovada Pearl Welch is currently serving time at FPC Marianna in Marianna, Florida. (Tr. 10/29/03 at 8.) She was born on July 13, 1982. (Tr. 10/29/03 at 9.) Ms. Welch served in the United States Army from November 2000 to April 2002. (Tr. 10/29/03 at 11.) Ms. Welch was living in different residences throughout Silver Spring, Maryland from mid-April of 2002 until August 9, 2002. (Tr. 10/29/03 at 12-13, 69-71, 92.)

20. Ms. Welch stated that on Friday, August 9, 2002 she arrived at Dream between 10:00 p.m. and 10:30 p.m. (Tr. 10/29/03 at 13, 50, 117.) Ms. Welch indicated that she entered Dream approximately two or three minutes later through the right-hand side VIP line at the main entrance, by using a VIP Pass which was given to her earlier in the day on August 9, 2002 by Shane Beamon, an employee of the establishment. (Tr. 10/29/03 at 13-17, 41, 47, 96, 117, 121,

275.) Ms. Welch followed Shane Beamon to the establishment from his home in Maryland. (Tr. 10/29/03 at 126-127.) Mr. Beamon showed Ms. Welch how to get into the establishment, parked his car, and then went to work. (Tr. 10/29/03 at 127.) Ms. Welch knew Mr. Beamon as he also worked at an apartment building she was living at in Silver Spring, Maryland. (Tr. 10/29/03 at 17.) Mr. Beamon was aware that Ms. Welch was twenty (20) years old when he gave her the VIP Pass because Ms. Welch told Mr. Beamon her age. (Tr. 10/29/03 at 121, 124, 275.) Ms. Welch also visited a barber shop earlier in the day on August 9, 2002 to visit her friend Pat Sutton. (Tr. 10/29/03 at 49-50, 54, 118.)

21. Ms. Welch stated that when she got to Dream's main entrance, she threw her VIP Pass into a bucket on the ground in front of the establishment, and then entered Dream without being asked to show any identification. (Tr. 10/29/03 at 18, 98, 108-109.) Ms. Welch did not have any identification on her person when she went to Dream, and she did not anticipate needing identification because Mr. Beamon informed Ms. Welch that she only needed a VIP Pass to get into Dream. (Tr. 10/29/03 at 19, 68, 122, 124, 128-129, 275.) Ms. Welch had her driver's license in her car but did not take her license into Dream. (Tr. 10/29/03 at 68, 122.)

22. Ms. Welch purchased three alcoholic beverages at separate times inside of the establishment with money she was carrying in her pocket. (Tr. 10/29/03 at 20-21, 93-94, 110, 136.) Specifically, Ms. Welch bought three double shots of Bacardi rum, paid for with cash, from the establishment's bartenders at different bars inside of Dream. (Tr. 10/29/03 at 20-21, 65, 95, 99, 136.) Ms. Welch purchased the three double shots of Bacardi rum without showing the establishment's bartenders either a valid ID, fake ID, or a VIP card. (Tr. 10/29/03 at 21.) Ms. Welch indicated that a double Bacardi means two shots of Bacardi rum straight up, with ice. (Tr. 10/29/03 at 55, 94-95.) Ms. Welch clarified that she drank three double shots of Bacardi rum inside of the establishment during the night of August 9, 2002 and the morning of August 10, 2002, and not three Bacardi Silvers as she had indicated in her police Statement. (Government's Exhibit No. 2; Tr. 10/29/03 at 22, 60, 65.) Ms. Welch stated that between August 9, 2002 and August 10, 2002, the only alcoholic beverages she consumed were the three double shots of Bacardi rum and a glass of Moet champagne, all of which she consumed at Dream. (Tr. 10/29/03 at 62, 65, 99.)

23. Ms. Welch bought her first double shot of Bacardi on the second floor, about 20 to 30 minutes after entering Dream, and she bought her third double shot of Bacardi on the third floor. (Tr. 10/29/03 at 21, 141.) Ms. Welch bought her last double shot of Bacardi around 1:30 a.m. or 1:40 a.m. on the third floor. (Tr. 10/29/03 at 88, 131, 141.) Ms. Welch also recalled drinking a glass of Moet champagne which was given to her for free, on the second floor of Dream, by a man in the establishment. (Tr. 10/29/03 at 22-23, 65, 100, 141.) Ms. Welch indicated that she drank the glass of Moet on the second floor before purchasing her second double shot of Bacardi, on the second floor as well. (Tr. 10/29/03 at 101-102, 114, 131, 141.) Ms. Welch did not remember what time she left Dream. (Tr. 10/29/03 at 23-24, 82.)

24. Ms. Welch saw Mr. Beamon at Dream while he was working as a security guard on the stairways leading up to the third floor of the establishment. (Tr. 10/29/03 at 111-112.) Ms. Welch and Mr. Beamon acknowledged each other and spoke briefly. (Tr. 10/29/03 at 112.)

25. Ms. Welch is required to wear prescription glasses. (Tr. 10/29/03 at 88.) Ms. Welch indicated that after leaving Dream, she went to her car and attempted to put her glasses back together as the lens had popped out when she was inside of the establishment. (Tr. 10/29/03 at 107.) Ms. Welch was unfamiliar with the area and asked for and received directions to get back to Maryland. (Tr. 10/29/03 at 107.) Ms. Welch noted that she got lost, that she took an exit, and that she then saw cones and flares. (Tr. 10/29/03 at 62, 107-108.) Ms. Welch stated that once she saw the cones and flares, she tried to steer her car onto the shoulder of the road and in doing so, she hit what she believed to be a barricade and her tire went flat. (Tr. 10/29/03 at 108.)

26. Ms. Welch was with her car at the time of her arrest on August 10, 2002 and her car was taken into custody by the U.S. Park Police. (Tr. 10/29/03 at 27-28.) Ms. Welch received another VIP Pass from a security guard while exiting Dream on the morning of August 10, 2002. (Government's Exhibit No. 15; Tr. 10/29/03 at 26, 31, 35.) After leaving Dream, Ms. Welch threw the VIP Pass on the passenger side seat of her vehicle. (Tr. 10/29/03 at 35.) Ms. Welch stated that her car contained empty beer bottles and an empty champagne bottle, which had been consumed by Ms. Welch and two of her friends, on Thursday, August 8, 2004. (Tr. 10/29/03 at 63-64.) Ms. Welch purchased these alcoholic beverages, without being asked for identification, from a convenience store located in the apartment building where she was staying, at 815 Thayer Avenue, Silver Spring, Maryland. (Tr. 10/29/03 at 77-79, 104.)

27. Ms. Welch had personal items in her car at the time of her arrest. (Tr. 10/29/03 at 29.) Ms. Welch authorized her attorney, Susan Bauer, to retrieve her personal items from the inside of her Pontiac Sunbird. (Tr. 10/29/03 at 30.)

28. Ms. Welch had gone to Dream the weekend prior to August 9, 2002. (Tr. 10/29/03 at 50, 102-103, 139.) Ms. Welch stated that on that occasion she was not required to show ID to enter Dream, and that she did not wait in line to enter the establishment because her friend Pat Sutton, from the barber shop, knew security working at the establishment. (Tr. 10/29/03 at 51, 125.) Ms. Welch drank approximately three to four glasses of Moet champagne inside of the establishment that night; however, she did not purchase any of the alcoholic beverages she consumed that night at Dream. (Tr. 10/29/03 at 103-104, 116, 134.)

29. Ms. Welch was aware of the fact that in order to enter Dream on weekends a person had to be at least twenty-one (21) years old. (Tr. 10/29/03 at 52, 128.) Ms. Welch stated that if a person knows an employee of Dream who has access to the club's VIP list, that person would not need to show identification to enter the establishment. (Tr. 10/29/03 at 52-53.) Ms. Welch noted that on her first visit, her friend Pat Sutton talked to security and got her inside of the establishment. (Tr. 10/29/03 at 54, 126.)

30. Ms. Welch admitted to writing and signing a Statement for the U.S. Park Police on August 10, 2002. (Government's Exhibit No. 2; Tr. 10/29/03 at 56-57.) Ms. Welch did not recall being interviewed by Detective Scherr on the morning of August 10, 2002. (Government's Exhibit No. 1; Tr. 10/29/03 at 55, 81.)

31. Ms. Welch stated that since living in Silver Spring she had not been to any other night clubs in the District of Columbia, Maryland, or Virginia, besides Dream. (Tr. 10/29/03 at 71-72,

92.) Ms. Welch has been drinking alcoholic beverages since the age of eighteen. (Tr. 10/29/03 at 72-73.)

32. Susan Bauer has been an Assistant Federal Public Defender for the Office of the Federal Public Defender in Greenbelt, Maryland for approximately eighteen (18) years. (Tr. 10/29/03 at 143-144.) Ms. Bauer indicated that prior to becoming an Assistant Federal Public Defender she was a Special Agent with the Department of Defense. (Tr. 10/29/03 at 144.) Ms. Bauer represents Ms. Welch in connection with Ms. Welch's arrest on August 10, 2002. (Tr. 10/29/03 at 144.)

33. Ms. Bauer indicated that Ms. Welch authorized her to retrieve personal items from Ms. Welch's Pontiac Sunbird which was being held at an impound lot in Washington, D.C. by the U.S. Park Police. (Tr. 10/29/03 at 29-30, 144-145.) Ms. Bauer visited Ms. Welch's vehicle about a month and a half after being assigned to the case. (Tr. 10/29/03 at 152.) Ms. Bauer and her investigator, Andrew Davis, and her co-counsel, Paula Xinis, took photographs of the inside and outside of the vehicle, and then retrieved items from the car that she believed Ms. Welch would want, and other items that she believed were relevant to the case. (Tr. 10/29/03 at 145-146.) Ms. Bauer found a Dream VIP Pass on the floorboard of Ms. Welch's vehicle. (Government's Exhibit No. 15; Tr. 10/29/03 at 148-149, 154.) Ms. Bauer did not know how or who took Ms. Welch's vehicle to the impoundment lot. (Tr. 10/29/03 at 152-153.) Ms. Bauer stated that there were no alcoholic beverage containers in Ms. Welch's vehicle at the time of her search. (Tr. 10/29/03 at 154-155.)

34. Ronald Evan Robinson is a Detective Sergeant with the Criminal Investigations Branch of the U.S. Park Police. (Tr. 10/29/03 at 160.) Detective Sergeant Robinson has been with the U.S. Park Police since 1985 and he has been a Detective Sergeant with the Criminal Investigations Branch since 2000. (Tr. 10/29/03 at 160.) Detective Sergeant Robinson supervises investigators and detectives in the Major Crime Unit of the U.S. Park Police, including Detective Scherr. (Tr. 10/29/03 at 161.) Detective Sergeant Robinson noted that pursuant to a U.S. Park Police subpoena, Dream provided the U.S. Park Police with its surveillance tapes on March 14, 2003 for the evenings of August 9, 2002 and August 10, 2002. (Tr. 10/29/03 at 165, 169-170.)

35. The Government and the Respondent agreed to the stipulation that Ms. Welch was in Dream on the night of August 9, 2002 and the morning of August 10, 2002. (Tr. 10/29/03 at 176-177.)

36. George Smith testified that on August 9, 2002, at approximately 7:00 p.m. or 7:30 p.m., he went to Pat Sutton's barbershop on Fenton Street in Silver Spring, Maryland. (Tr. 10/29/03 at 213-214, 221.) Mr. Smith has been a customer of Pat Sutton, the owner of the barber shop, for about four (4) years. (Tr. 10/29/03 at 214-215.) Mr. Smith stated that on the evening of August 9, 2002, Ms. Welch washed his hair while she drank a 40oz bottle of Olde English Malt Beer. (Tr. 10/29/03 at 215-216, 218-220.) Mr. Smith stated that he observed Ms. Welch leave the barber shop around 7:45 p.m. (Tr. 10/29/03 at 216.) Mr. Smith testified that he witnessed Ms. Welch consume alcohol at the barber shop on two different occasions. (Tr. 10/29/03 at 217, 222-223.) Mr. Smith knows Marc Barnes and informed Mr. Barnes that he knew Ms. Welch. (Tr. 10/29/03 at 225.)

37. James Andrews is head of security at Dream. (Tr. 10/29/03 at 227, 283.) Mr. Andrews has worked in the security business for almost ten (10) years and he has worked at Dream for about a year and a half. (Tr. 10/29/03 at 231, 305.) Mr. Andrews stated that since 1993 he has worked as head of security for six local night clubs. (Tr. 10/29/03 at 231.) Mr. Andrews has worked as head of security at Dream for approximately four (4) months, and prior to that Mr. Andrews was working as the Assistant to the head of security. (Tr. 10/29/03 at 262.) Mr. Andrews duties as head of security include the hiring and scheduling of all security detail, and the coordination of personnel on a weekly basis. (Tr. 10/29/03 at 228, 230.) Mr. Andrews stated that background checks are performed on all security personnel and that all security personnel are trained. (Tr. 10/29/03 at 230.)

38. Mr. Andrews described the security procedures for Thursday nights at Dream. (Tr. 10/29/03 at 228.) Mr. Andrews stated that patrons must be eighteen (18) and over to enter Dream on Thursday nights. (Tr. 10/29/03 at 228.) Mr. Andrews noted that on Thursday nights there are two access points to enter the establishment, one on the right side and one on the left side of the entrance, with two people on both sides checking IDs for each line. (Tr. 10/29/03 at 228.) Mr. Andrews pointed out that all patrons who are twenty-one (21) and older get color coded wrist bands, which change on a weekly and nightly basis, and that all patrons under twenty-one (21) are marked on their hand by a permanent magic marker. (Tr. 10/29/03 at 228-229, 241.) Mr. Andrews acknowledged that Dream employs additional security at the front door on Thursday nights because more people attempt to use fake IDs and it takes longer for security personnel to verify the fake IDs. (Tr. 10/29/03 at 231.)

39. Mr. Andrews noted that security procedures are similar on Friday nights, however patrons must be 21 and over to enter the establishment. (Tr. 10/29/03 at 229, 306.) Mr. Andrews stated that on Friday nights there are between two to six people checking IDs at the front entrance of the club, and that once a patron's age and identity has been verified, they are allowed admission to the club. (Tr. 10/29/03 at 229, 318.) Mr. Andrews testified that on Friday nights the front door security staff checks an average of 200 to 250 IDs per hour. (Tr. 10/29/03 at 318-319, 320.) Mr. Andrews indicated that on Friday nights, once a person is identified as being twenty-one (21) or over, that person is allowed admission to the club. (Tr. 10/29/03 at 242.) Mr. Andrews testified that on Friday nights a patron is only given a color coded wrist band if they have a table reservation, or to allow the patron access to the VIP room. (Tr. 10/29/03 at 242.) Mr. Andrews stated that the Friday night security procedures are also applied on Saturday nights because on Saturday nights patrons must be twenty-one (21) and over to gain admission to the club. (Tr. 10/29/03 at 229, 306.) Mr. Andrews indicated that on nights when patrons are required to be twenty-one (21) and over, neither servers nor bartenders are required to check the IDs of patrons once they are inside the club because it is assumed that each patron was properly checked at the front door and that each patron meets the age requirement. (Tr. 10/29/03 at 243, 284.)

40. Mr. Andrews indicated that patrons can only enter Dream through the front door. (Tr. 10/29/03 at 241.) Mr. Andrews stated that there are numerous exits throughout the club where security personnel are posted. (Tr. 10/29/03 at 241.) Dream employs between 50 to 90 security staff to work on a nightly basis, with 10 to 20 people assigned to each floor. (Tr. 10/29/03 at 246.) Mr. Andrews stated that if any member of Dream's security detail violates the club's policy on checking IDs, they would be terminated immediately. (Tr. 10/29/03 at 240.)

41. Mr. Andrews stated that between 5 and 20 security personnel have been fired in the last year and a half, but none of the people fired were working the front door. (Tr. 10/29/03 at 265-266.) Mr. Andrews stated that Mr. Beamon is still employed at Dream. (Tr. 10/29/03 at 276.)

42. Mr. Andrews testified that the establishment's normal procedure requires every person's ID to be checked before they can gain admission to Dream, and that there are no exceptions to this requirement for patrons, regardless of whether they are on the VIP list or present a VIP Pass or a VIP Card. (Tr. 10/29/03 at 229-230, 233-234, 236-237, 279, 287, 302.) Mr. Andrews clarified that a VIP Card is about the size of a credit card, is purchased to reflect VIP membership to Dream, and is only signed off on by the owner, Marc Barnes. (Tr. 10/29/03 at 278-279, 300.) Mr. Andrews testified that every other card or pass that is given out by the club has an expiration date, is non-transferable, and is basically just a flier or a promotional device. (Tr. 10/29/03 at 278-279, 301-302, 315-316.) Mr. Andrews testified that the club's security personnel have access to the VIP Passes because they are given to them by the promoters, however, security personnel are not required to give out the VIP Passes. (Tr. 10/29/03 at 273.) VIP Passes for future promotions are occasionally given out at the establishment to patrons at the exit door of the establishment. (Tr. 10/29/03 at 294-295.) Mr. Andrews stated that when a patron is on the VIP guest list, or has a VIP Card, or has a VIP Pass, they are required to enter through the right side of the entrance. (Tr. 10/29/03 at 236, 278.)

43. Mr. Andrews testified that on the evening of Friday, August 9, 2002, Dream used six security personnel to check IDs at the front entrance. (Tr. 10/29/03 at 239.) Mr. Andrews stated that on August 9, 2002, both he and Deka Nur supervised the security staff checking IDs at the front entrance. (Tr. 10/29/03 at 240.) Mr. Andrews spoke to Ms. Welch on the evening of August 9, 2002 while she was standing by herself by the steps on the second floor of the club. (Tr. 10/29/03 at 247, 280, 282-283, 288.) Mr. Andrews stated that Ms. Welch informed him that she was auditioning for a security job by monitoring the area where she was standing and that she had the area locked down. (Tr. 10/29/03 at 248, 281, 285.) Mr. Andrews testified that when he encountered Ms. Welch, she was not in possession of any alcoholic beverages. (Tr. 10/29/03 at 283, 310.) Mr. Andrews indicated that he checked to see if Ms. Welch's pupils were dilated and if he could smell alcohol on her, but he noticed neither. (Tr. 10/29/03 at 248, 281, 310.) Mr. Andrews testified that during their exchange Ms. Welch did not stumble, or wobble, and that she had a lucid conversation with him. (Tr. 10/29/03 at 248, 282.) Mr. Andrews did not ask Ms. Welch for ID because he believed that if a patron is inside of Dream on a Friday or Saturday night that they are twenty-one (21) years of age or older. (Tr. 10/29/03 at 284.)

44. Mr. Andrews believed Ms. Welch got into Dream by going around the establishment's security procedures, possibly by sneaking in a door or walking past someone while their back was turned. (Tr. 10/29/03 at 249.) Mr. Andrews testified that he does not believe she gained access to the club without having her ID checked by someone at the front door. (Tr. 10/29/03 at 250, 280.)

45. Mr. Andrews stated that the same security procedures normally used by the establishment were employed on the evening of August 9, 2002. (Tr. 10/29/03 at 234.) Mr. Andrews indicated that he has never been aware of an instance, on twenty-one (21) and over nights, where the front door security staff has allowed someone under the age of twenty-one (21) to enter the club. (Tr.

10/29/03 at 243.) Mr. Andrews stated that between 3,000 to 6,000 individuals patronize Dream on a Friday or Saturday night. (Tr. 10/29/03 at 259.)

46. Mr. Andrews testified that as head of security his two biggest challenges are crowd control and ensuring that all patrons of the club have been properly checked for identification. (Tr. 10/29/03 at 244, 316.) Mr. Andrews stated that on average, Dream confiscates between five to 10 fake IDs per weekend. (Tr. 10/29/03 at 245.) Mr. Andrews indicated that if a member of the security staff cannot verify the authenticity of a person's ID, they will ask a member of MPD to verify the authenticity of the person's ID. (Tr. 10/29/03 at 308.) Mr. Andrews has witnessed MPD arrest people who attempt to enter the club using fake ID's. (Tr. 10/29/03 at 245-246.) Mr. Andrews noted that individuals under the age of 21 have gotten into the establishment on other occasions. (Tr. 10/29/03 at 255-256.) Mr. Andrews indicated that when underage patrons are found in the club, either consuming or holding an alcoholic beverage, they are escorted by security to the club's loading dock and MPD is called. (Tr. 10/29/03 at 256-257, 290-291.) Mr. Andrews stated that Dream maintains an internal log of incidents involving patrons being escorted to the loading dock. (Tr. 10/29/03 at 292.) Mr. Andrews testified that at the end of the night, all security personnel who are responsible for checking IDs are required to re-examine all the fake IDs that were confiscated for the night to understand why they are fake. (Tr. 10/29/03 at 258, 309.) Mr. Andrews testified that he could not recall any other incident where a minor gained access to Dream without using fake identification. (Tr. 10/29/03 at 258.)

47. Mr. Andrews stated that there are over 80 cameras inside of Dream with two people monitoring all the cameras. (Tr. 10/29/03 at 315.) Mr. Andrews testified that since the Welch incident, additional security cameras were added to monitor the front door, specifically so Dream could maintain a visual record of each person entering the establishment. (Tr. 10/29/03 at 269-270, 310-311.)

48. Mr. Andrews stated that on the evening of August 9, 2002, Kevin Holmes was checking the IDs of patrons entering the VIP line. (Tr. 10/29/03 at 311-312.) Mr. Andrews testified that he asked Mr. Holmes, and the rest of the front door staff, if they remembered seeing Ms. Welch enter Dream through the front door on the evening of August 9, 2002. (Tr. 10/29/03 at 313.) Mr. Andrews testified that Mr. Holmes did not remember Ms. Welch entering the club through the VIP line. (Tr. 10/29/03 at 313.)

49. Shane Lamont Beamon is employed as a bouncer/security for Dream and has worked at Dream for approximately a year and a half. (Tr. 12/3/03 at 8-9, 19, 32.) Mr. Beamon's duties as a bouncer/security are to break up fights, make sure everyone in the club is enjoying themselves, to make sure everyone in the club is safe, and to make sure everyone leaves the club. (Tr. 12/3/03 at 9, 29.)

50. Mr. Beamon met Ms. Welch while he was working as a leasing manager for Southern Management because Ms. Welch would frequent the building in which he worked. (Tr. 12/3/03 at 10-11, 27-28, 32.) Mr. Beamon indicated that on August 9, 2002, he gave Ms. Welch a Dream promotional card which allowed a person to enter Dream without paying a cover charge and without waiting in line. (Tr. 12/3/03 at 11-12, 22, 35.) Mr. Beamon testified that he never told Ms. Welch that the promotional card would allow her to enter Dream without providing proper

identification. (Tr. 12/3/03 at 13.) Mr. Beamon testified that he did not know Ms. Welch's age at the time he gave her the promotional card and that he never asked her how old she was. (Tr. 12/3/03 at 23, 42-43.) Mr. Beamon testified that he has given between 50 and 100 such similar cards out, usually to his friends. (Tr. 12/3/03 at 23.) Mr. Beamon did not know how many times in the past, if any, Ms. Welch had gone to Dream. (Tr. 12/3/03 at 45.)

51. Mr. Beamon testified that on August 9, 2002 he did not accompany Ms. Welch to Dream night club, nor was he involved with her gaining entrance to the club. (Tr. 12/3/03 at 13.) Mr. Beamon stated that on August 9, 2002 he was working on the third floor of the establishment, his usual post, and that he was not involved with anyone gaining entrance to the club. (Tr. 12/3/03 at 14, 21, 29.) Mr. Beamon testified that he ran into Ms. Welch on one occasion between 10:00 p.m. and 12:00 a.m. on the evening of August 9, 2002 and that he spent approximately 30 seconds with her. (Tr. 12/3/03 at 30, 37, 39.) Mr. Beamon stated that Ms. Welch did not have a drink in her hand when he saw her, but did not know whether she had anything to drink at the establishment. (Tr. 12/3/03 at 30, 48.) Mr. Beamon saw Ms. Welch on the third floor standing by herself in the corner. (Tr. 12/3/03 at 30, 47.)

52. Mr. Beamon indicated that to gain entry into Dream, a person must pay the required cover charge and present identification. (Tr. 12/3/03 at 15.) Mr. Beamon testified that he is not aware of any instance where management has allowed someone to enter the establishment without showing proper identification. (Tr. 12/3/03 at 15-16.) Mr. Beamon noted that the establishment has a policy of twenty-one (21) and over on Friday and Saturday nights. (Tr. 12/3/03 at 16.) Mr. Beamon testified that Mr. Barnes repeatedly gives strict directions to staff to check for fake or false IDs. (Tr. 12/3/03 at 17.) Mr. Beamon believed that there is a bonus fee for employees that collect fake IDs and weapons. (Tr. 12/3/03 at 17.) Mr. Beamon indicated that the same ID checking security procedures that were in place on the evening of Friday, August 9, 2002, are still in place at Dream each Friday and Saturday night. (Tr. 12/3/03 at 18.)

53. Deborah Wiley is a Property Manager for Southern Management and has worked for Southern Management for fifteen (15) years. (Tr. 12/3/03 at 53-54.) Ms. Wiley is currently working as the Property Manager at Silver Spring Towers Apartments, at 815 Thayer Avenue and 816 Easley Street, and has been employed in this position for thirteen and a half years. (Tr. 12/3/03 at 54, 67, 74.)

54. Ms. Wiley recalled seeing Ms. Welch in the lobby of the Silver Spring Towers on numerous occasions. (Tr. 12/3/03 at 55, 59, 62.) It was Ms. Wiley's understanding that Ms. Welch was staying with several different male residents of the Silver Spring Towers between the months of June 2002 and August 2002. (Tr. 12/3/03 at 62-63, 72.)

55. Ms. Wiley indicated that she came into direct contact with Ms. Welch on three different occasions. (Tr. 12/3/03 at 58-59.) Ms. Wiley recalled that she first met Ms. Welch prior to August 9, 2002. (Tr. 12/3/03 at 77.) Ms. Wiley testified that on that occasion, Ms. Welch was waiting to get her hair cut at Pat Sutton's barber shop. (Tr. 12/3/03 at 58-59, 65, 69.) Ms. Wiley recalled coming into contact with Ms. Welch a second time while Ms. Welch was waiting in the apartment's leasing office. (Tr. 12/3/03 at 58-60.) Ms. Wiley recalled that the final time she had direct contact with Ms. Welch was one morning at about 6:30 a.m. in her son's apartment, 3 days before Ms. Welch was scheduled to report to prison. (Tr. 12/3/03 at 60, 77.) Ms. Wiley testified

that on that morning her son asked her to come to his apartment, where she found Ms. Welch with a 3-month old baby. (Tr. 12/3/03 at 60-61.) Ms. Wiley stated that she tried to have a conversation with Ms. Welch, but that Ms. Welch appeared to be intoxicated and had difficulty making sense. (Tr. 12/3/03 at 61, 65-66.)

56. Marc Stephen Barnes is the owner of Dream, located at 1350 Okie Street N.E. (ABRA Application File No. 50104; Tr. 12/3/03 at 79-80.) Mr. Barnes testified that VIP Cards are issued solely by him and that VIP memberships are sold for \$300 to \$1,000. (Tr. 12/3/03 at 82-83.) Mr. Barnes testified that a VIP Card has the cardholder's name imprinted on it and that when a person is attempting to use a VIP card, that person must show identification at the club door to be allowed entrance without waiting in either of the other two lines. (Tr. 12/3/03 at 83.) Mr. Barnes stated that Dream maintains a record of each VIP cardholder's personal information, including their name and address. (Tr. 12/3/03 at 83.) Mr. Barnes testified that there are instances where he gives VIP Cards to his friends without charging them. (Tr. 12/3/03 at 84.)

57. Mr. Barnes stated that Dream promotional cards are issued to the public through the establishment's promoters and employees. (Tr. 12/3/03 at 85.) Mr. Barnes stated that a promotional card entitles the cardholder to free admission, but every cardholder must present identification and pass the age qualification to gain admittance into the club. (Tr. 12/3/03 at 85.) Mr. Barnes testified that with all of Dream's promotional activities, including instances where his guests are given free VIP or promotional cards, the requirement to present identification to gain admittance is never suspended. (Tr. 12/3/03 at 88.)

58. Mr. Barnes explained that there are gates in front of Dream that direct patrons to enter through either the right or left side of the main entrance door. (Tr. 12/3/03 at 89-90.) Mr. Barnes stated that two people work to the left of the door and that two people work to the right of the door, and that those people are solely responsible for checking IDs. (Tr. 12/3/03 at 90.) Mr. Barnes testified that a person's ID must be presented before either a VIP Card or a promotional card is shown. (Tr. 12/3/03 at 90.)

59. Mr. Barnes indicated that every Dream employee responsible for checking IDs is required, as a condition of their employment, to take the course offered by the ABC Board on how to identify fraudulent IDs. (Tr. 12/3/03 at 94.) Mr. Barnes testified that all of his employees who check IDs have taken the course offered by the ABC Board. (Tr. 12/3/03 at 94.) Mr. Barnes testified that the club makes an effort to hire people who will not be bribed while performing their job, specifically jobs involving the checking of IDs. (Tr. 12/3/03 at 94-95.) Mr. Barnes indicated that Dream pays its front door security staff between \$5 and \$10 for each fake ID that is confiscated. (Tr. 12/3/03 at 108.) Mr. Barnes stated that he has never encountered an employee who has breached the identification-training requirement and that he has never fired an employee for breaching the requirement. (Tr. 12/3/03 at 95.) Mr. Barnes testified that he believes he has a reasonable number of employees who are properly trained in checking for fraudulent IDs. (Tr. 12/3/03 at 102.)

60. Mr. Barnes testified that many of the bartenders employed at Dream are TIPS certified and that managers employed at Dream are also TIPS certified. (Tr. 12/3/03 at 111.)

61. Mr. Barnes testified that each night the bartenders and security staff go through an orientation program where Mr. Barnes, or another manager, informs each employee as to what's happening for the night, how many people are expected for the night, any situations or problems that may have occurred the night before or the week before, etc. (Tr. 12/3/03 at 91, 109.) Mr. Barnes stated that on the night of August 9, 2002, Kris Ramson, the General Manager at the time, directed the employee orientation program. (Tr. 12/3/03 at 91-92.) Mr. Barnes stated that at the time of the incident on August 9, 2002, Mr. Ramson was the club's general manager and Antoine Dent was head of security. (Tr. 12/3/03 at 93.)

62. Mr. Barnes stated that the bartenders of Dream can, at any point during the night, especially on eighteen (18) and over nights, ask a patron for identification if the bartender has any doubt about that person's age. (Tr. 12/3/03 at 96.) Mr. Barnes admitted that on a twenty-one (21) and over night, his staff is less prone to ask for a patron's ID inside the club because the staff is assured by the fact that no one slips past the door without being properly checked for identification. (Tr. 12/3/03 at 97.) Mr. Barnes testified that when a patron is caught attempting to remove an underage drinking mark, that patron is escorted to the customer care center where they fill out a report, their picture is taken, and an incident report is then filled out by staff; the patron is then notified that they are banned from the club. (Tr. 12/3/03 at 97-98.) Mr. Barnes testified that Dream keeps a log of the names of people who have been banned from the club. (Tr. 12/3/03 at 98.) Mr. Barnes stated that when underage patrons are caught drinking and then taken to the police, the police neither arrest nor fine the underage individuals. (Tr. 12/3/03 at 98-99.)

63. Mr. Barnes indicated that on the night of August 9, 2002, Dream employed the same security procedures it had since its opening. (Tr. 12/3/03 at 102.) Mr. Barnes testified that after August 9, 2002, Dream tried to use an electronic machine which can verify the authenticity of a person's ID, in conjunction with performing manual checks. (Tr. 12/3/03 at 103, 106.) Mr. Barnes believed that the machine made his employees relax and not pay as much attention to comparing the face on the ID with the face of the person presenting the ID. (Tr. 12/3/03 at 103, 106.) Mr. Barnes testified that many people use the legitimate ID of another person who they may look similar to or exactly like. (Tr. 12/3/03 at 104.) Mr. Barnes testified that in his opinion, the only way Ms. Welch could have gotten into Dream on August 9, 2002, is to have used another person's legitimate ID. (Tr. 12/3/03 at 104.)

64. Mr. Barnes was working at Dream on the night of August 9, 2002, but did not recall seeing Ms. Welch. (Tr. 12/3/03 at 88, 113.) Mr. Barnes spoke with members of his staff who confirmed that Ms. Welch was at Dream on the night of August 9, 2002. (Tr. 12/3/03 at 114.) Mr. Barnes stated that he does not believe that Ms. Welch was not asked for ID before entering Dream. (Tr. 12/3/03 at 114-115, 117.) Mr. Barnes is convinced Ms. Welch was in Dream on August 9, 2002 and that at that time she was under the age of twenty-one (21). (Tr. 12/3/03 at 118.)

CONCLUSIONS OF LAW

65. The Board has the authority to suspend or revoke the license of a licensee who violates any provision(s) of Title 25 of the D.C. Official Code pursuant to D.C. Official Code § 25-823(1) (2001). Additionally, pursuant to D.C. Official Code §§ 25-830(b)(1)(A), 25-830(c)(1)(A)

(2001) and 23 DCMR §§ 800 and 801 (2004), the Board also has the authority to fine a licensee not less than \$1,000 and not more than \$2,000 for a sale to minor violation of D.C. Official Code § 25-781(a)(1) (2001), which is classified as a primary tier violation. In this instance, the Board finds that the Respondent's violation of D.C. Official Code § 25-781(a)(1) (2001), as set forth in Charge I, warrants a fine of \$2,000.00 rather than a suspension or revocation of the Respondent's license, as discussed below. The Board also finds that requiring the Respondent to create and implement an internal testing system to periodically assess the effectiveness of the establishment's existing ID checking procedures, as described below, will also assist the establishment in its efforts to prevent the sale of alcoholic beverages to minors. The Board notes that it possesses the authority to place this condition on the establishment pursuant to D.C. Official Code § 25-447(f) (2001). Additionally, the Board notes in finding the Respondent guilty of Charge I, that Charge II, allowing the consumption of alcoholic beverages by an individual under twenty-one (21) years of age, in violation of D.C. Official Code § 25-781(b)(1) (2001), is a lesser charge that contains the same specifications based upon the same incident as Charge I. Thus, the Board is dismissing Charge II. This is consistent with previous Board practice and procedure in other Show Cause hearings involving sale to minor violations. As a result, the Board finds that the licensee committed one sale to minor violation as set forth in Charge I, pursuant to D.C. Official Code § 25-781(a)(1) (2001).

66. With regard to Charge I, the Board must determine whether the Respondent sold or allowed to be sold alcoholic beverages to a person under twenty-one (21) years of age as prohibited by D.C. Official Code § 25-781(a)(1) (2001). In this case, the testimony of Ms. Welch revealed that she was sold three alcoholic beverages while inside of Dream, between the evening of Friday, August 9, 2002 and the morning of Saturday, August 10, 2002. Specifically, the testimony of Ms. Welch revealed that she purchased with cash, three double shots of Bacardi rum from the establishment's bartenders at different bars inside of Dream. The Board found that Ms. Welch purchased her first and second alcoholic beverages on the second floor of Dream, and that she purchased her third alcoholic beverage on the third floor of Dream. In giving weight to Ms. Welch's testimony, the Board also relied on the testimony of Detective Scherr which revealed that Ms. Welch admitted in an oral interview, conducted by Detective Scherr and Detective Ludwick on the morning of August 10, 2002, that she purchased three alcoholic beverages at Dream between the evening of August 9, 2002 and the morning of August 10, 2002, before leaving the establishment at approximately 2:30 a.m. The testimony of Detective Scherr and Ms. Welch also established that Ms. Welch was born on July 13, 1982 and was twenty (20) years old when she purchased the three alcoholic beverages at the establishment on August 9, 2002 and August 10, 2002. Moreover, Detective Scherr's testimony revealed that subsequent to her arrest at 3:35 a.m. on August 10, 2002, Ms. Welch's blood alcohol level was 0.10, more than the state of Maryland's legal blood alcohol level of 0.08, reaffirming Ms. Welch's testimony that she had purchased and consumed alcoholic beverages at the establishment.

67. The Board took into account the efforts made by the Respondent, as described in the testimony of Mr. Andrews and Mr. Barnes, to combat underage drinking at the establishment in deciding to fine the licensee \$2,000.00 rather than suspend or revoke the Respondent's license. Specifically, the testimony of Mr. Andrews and Mr. Barnes revealed that the establishment does: (1) have in place a system for checking patron's identification near the front door entrance of the establishment; (2) make an effort to identify fake identifications near the front door entrance of the establishment; and (3) provide ID training and other training to its staff. However, despite

these efforts, the testimony revealed that Ms. Welch was inside of the establishment on the night of August 9, 2002 and the morning of Saturday, August 10, 2002 and purchased three alcoholic beverages from the establishment's bartenders and consumed four alcoholic beverages inside of the licensed premises, even though she was twenty-years (20) of age. The testimony of Ms. Welch and Detective Scherr also indicated that Ms. Welch did not have a fake or false ID. Furthermore, the testimony of Ms. Welch established that she did not bring any identification with her into the establishment, leaving her valid driver's license in her car. The testimony of Mr. Andrews raised concerns for the Board as it revealed that bartenders or servers are not required to check the ID's of patrons inside the club as patrons inside the establishment are assumed to be twenty-one (21) years of age or older. Additionally, the testimony of Mr. Barnes revealed to the Board that on Friday and Saturday nights (21 and over nights), his staff is less prone to ask patrons for ID when purchasing alcoholic beverages. Furthermore, the Board found the testimony of Ms. Welch to reveal that Mr. Beamon, who works security for the establishment: (1) gave Ms. Welch a VIP Pass to the establishment for use on a Friday night (a 21 and over night) knowing that she was only twenty (20) years of age; (2) had Ms. Welch follow Mr. Beamon to the establishment from his house by car on the evening of Friday, August 9, 2002; and (3) showed Ms. Welch how to get into the establishment. The testimony also revealed that Ms. Welch was able to get inside of the establishment and consume three to four glasses of Moet champagne the previous weekend as a result of her friend Pat Sutton knowing members of the establishment's security.

68. The Board finds that the Respondent's violation of D.C. Official Code § 25-781(a)(1) (2001), as set forth in Charge I, warrants a fine of \$2,000.00 to be paid by the Respondent within thirty (30) days of receipt of this Order. The Board also recommends that the Respondent submit to the Board a written plan describing the creation and implementation of an internal testing system to periodically assess the effectiveness of the establishment's existing ID checking procedures on Friday and Saturday nights, when patrons are required to be twenty-one (21) and over to gain admission into the establishment. The written plan to be created and implemented by the Respondent should describe the establishment's internal testing of the effectiveness of its ID checking procedures at: (1) all points of entry into the establishment; and (2) those points of service for alcoholic beverages inside of the establishment by bartenders and other alcohol servers. The Board placed this condition on the Respondent, pursuant to D.C. Official Code § 25-447(f) (2001), due to concerns that some minors are or have been able to circumvent the existing ID checking procedures employed at the front door of the establishment on Friday and Saturday nights, as evidenced by Ms. Welch gaining admission on two occasions into the establishment as a minor, without possessing or showing any form of identification. Moreover, the testimony of Mr. Andrews revealed that neither bartenders nor servers are required to check the ID's of patrons once inside of the establishment, causing the Board further concern that minors like Ms. Welch who are able to gain admission on Friday and Saturday nights can be served alcoholic beverages without any additional inquiry by the establishment's staff as to their age. The Board believes that the creation and implementation of an internal testing system to periodically assess the effectiveness of the establishment's existing ID checking procedures on Friday and Saturday nights will only enhance the Respondent's ability to prevent the sale of alcoholic beverages to minors. Finally, the Board is requiring that the Respondent submit the written plan to the Board within thirty (30) days from receipt of this Order.


Okie Dokie, Inc.
t/a Dream
July 28, 2004

ORDER

THEREFORE, it is hereby **ORDERED** on this 28th day of July 2004, that the Respondent:

- (1) Pay a fine of \$2,000.00 within thirty (30) days of receipt of this Order; and
- (2) Submit to the Board a written plan, creating and implementing an internal testing system to periodically assess the effectiveness of the establishment's existing ID checking procedures on Friday and Saturday nights, within thirty (30) days of receipt of this Order.

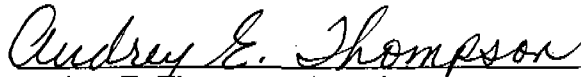
District of Columbia
Alcoholic Beverage Control Board



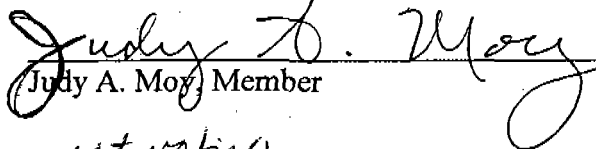
Charles A. Burger, Chairperson

not voting

Vera M. Abbott, Member



Audrey E. Thompson, Member



Judy A. Moy, Member

not voting

Peter B. Feather, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 941 North Capitol Street, N.E., Suite 7200, Washington, D.C. 20002.

Also, pursuant to section 11 of this decision within ten (10) days of service of this Order with the District of Columbia Court of Appeals, 500 Indiana Avenue, N.W., Washington, D.C. 20001. However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR § 1719.1 (April 2004) stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. See D.C. App. Rule 15(b).

OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS

SUMMARY OF REGISTERED LOBBYISTS INFORMATION

The Director of Campaign Finance herewith publishes a summary of registered lobbyists' information submitted to the Office of Campaign Finance on or before August 15, 2004 by persons registered as lobbyists with the Director, pursuant to the District of Columbia Campaign Finance Reform and Conflict of Interest Act of 1974, as amended, D.C. Official Code § 1-1105.04 (2001 Edition).

A person is required to register as a lobbyist with the Director of Campaign Finance on or before January 15th each year, or not later than 15 days after becoming a lobbyist, if such person receives compensation or expends funds in an amount of \$250 or more in any three (3) consecutive calendar month period for communicating directly with any official in the legislative or executive branch of the District of Columbia government with the purpose of influencing any legislative action or an administrative decision. D.C. Official Code §§ 1-1105.02 and 1-1105.04(a).

If information, pertaining to a lobbyist registered with the Office of Campaign Finance, is not contained herein and/or if a person requires additional information regarding District of Columbia lobbying statutes, please contact the Office of Campaign Finance, at 2000-14th Street, N.W., Suite 420, Washington, D.C., 20009 or telephone at (202) 671-0547.

Administrative and technical issues prevented this listing from being published in the August 12, 2004 D.C. Register. We apologize for the delay.

DC OFFICE OF CAMPAIGN FINANCE

Lobbyist Filer Listing July 10th Report

| Lobbyist ID | Lobbyist Name | Compensating Registrant | Registrant Date |
|---------------------------------|----------------------------------|----------------------------------|------------------------|
| Registrant Name | | Address | Jan Date |
| Permanent Address | | City, State and Zip | July Date |
| City, State and Zip | | Nature of Lobbying | Term Date |
| LOBOOO040818 | Godwin, Michael | 1000 K Street - LLC | 01/15/2004 |
| 1000 K Street- LLC | Pozen, Thorn | Kite Companies, 30 South | 07/16/2004 |
| Kite Companies, 30 Meridan | Smith, Carey | Meridian Street, Ste. 110 | |
| Street, Ste. 110 | | Indianapolis, IN 46204 | |
| Indianapolis, IN 46204 | | Tax increment financing proposal | |
| LOBOOO040790 | Tindall, Jeff | AAHP-HIAA | 01/09/2004 |
| AAHP-HIAA | Balasubramaniam, Vidaya | 601 Pennsylvania Ave. NW Ste | 07/13/2004 |
| 601 Pennsylvania Ave. NW. Ste. | | 500 | |
| 500 | | Washington, DC 20004 | |
| Washington, DC 20004 | | | |
| LOBOOO040493 | Pearson, Kerry | ACS State & Local Solutions | 01/12/2004 |
| ACS State & Local Solutions | | 601 Pennsylvania Avenue, NW | 07/15/2004 |
| 1200 K St. NW | | Washington, DC 20004 | |
| Washington, DC 20005 | | Various Parking and | |
| | | Transportation Issues | |
| LOBOOO040837 | Baldwin, Lauren | Advance PCS | 01/14/2004 |
| Advance PCS | Lawrence Berman | 1300 I Street, NW, 525W | 07/16/2004 |
| 1300 I Street, NW, 525 W | | Washington, DC 20005 | |
| Washington, DC 20005 | | PBM Issues | |
| LOBOOO040762 | Covucci, Arnold & Porter, George | American College of Cardiology | 01/12/2004 |
| American College of Cardiology, | Pozen, Arnold & Porter, Thorn | American College of Cardiology | 07/12/2004 |
| American College of Cardiology | | Foundation Hart House | |
| Found. Hart House | | 9111 Old Georgetown Rd. | |
| 9111 Old Georgetown Rd. | | Bethesda, MD 20814 | |
| Bethesda, MD 20814 | | | |
| LOBOOO040175 | Waiters, Joann | American Council of Life | 01/14/2004 |
| American Council of Life | | Insurance | 07/15/2004 |
| Insurance | | 101 Constitution Avenue, NW, | |
| 1001 Pennsylvania Ave., N.W. | | Suite 700 | |
| Washington, DC 20004-2599 | | Washington, DC 20001 | |
| | | Life/health ins., annuities etc. | |

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| LOBOOO040168 American Psychological Association 750 First Street, NE Washington, DC 20002 | Arent Fox Kintner Plotkin & Ka | American Psychological Assoc. 750 First Street, NE Washington, DC 20002 Tax abatement | 03/19/2004 07/12/2004 |
| LOBOOO040708 American University 4400 Massachusetts Avenue, NW Washington, DC 20016 | Knight, Yvonne | American University 4400 Massachusetts Avenue, NW Washington, DC 20016 | 07/14/2004 07/16/2004 |
| LOBOOO040879 Amerigroup 750 First Street, NE, Ste. 1120 Washington, DC 20002 | Henderson, Scott | Amerigroup 750 First Street, NE, Ste. 1120 Washington, DC 20002 Issues regarding Medicaid | 01/09/2004 07/13/2004 |
| LOBOOO040770 Anheuser Busch Companies, Inc. 1401 I Street NW Ste 200 Washington, DC 20005 | Wilmot, David | Anheuser Busch Companies 1401 I Street, NW, Ste. 200 Washington, DC 20005 | 01/12/2004 07/21/2004 |
| LOBOOO040802 Apartment & Ofc. Building Assoc. of Metro. Wash. 1050 17th St. NW Ste. 300 Washington, DC 20036 | Pharr, W. Jeffers, Margaret Luchs, PC, Greenstein, DeLorme & | Apartment & Ofc. Building Assoc. of Metro. Wash. 1050 17th Street NW. Ste 300 Washington, DC 10025 | 01/12/2004 07/13/2004 |
| LOBOOO040375 Arent Fox Kintner Plotkin & Kahn , PLLC 1050 Connecticut Avenue, NW, Ste. 1100 Washington, DC 20036 | Glynn, Sean | Maret School, Inc. 3000 Cathedral Avenue, NW Washington, DC 20008 Authorization of Bond Financing | 01/13/2004 07/12/2004 |
| LOBOOO040834 Arent Fox Kintner Plotkin & Kahn, PLLC 1050 Thomas Jefferson Street, NW, Suite 100 Washington, DC 20036 | Newman, Richard | Washington Drama Society, Inc., d/b/a/ Arena Stage 1101 6th Street, SE Washington, DC 20024 Enactment of financing | 01/13/2004 07/12/2004 |

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| LOBOOO040835 Arent Fox Kintner Plotkin & Kahn, PLLC 1050 Connecticut Avenue, NW, Ste. 1100 Washington, DC 20036 | Glynn, Sean | Washington Jesuit Academy 800 Third Street, NE Washington, DC 20002 Authorization for bond financing | 01/13/2004 07/12/2004 |
| LOBOOO040831 Arent Fox Kintner Plotkin & Kahn, PLLC 1050 Connecticut Avenue, NW, Ste. 1100 Washington, DC 20036 | Bouker, Jon Engle, Craig | AEG 14120 Newbrook Drive, Suite 170 Chantilly, VA 20151 Location, financing & construction | 01/13/2004 07/19/2004 |
| LOBOOO040557 Arent Fox Kintner Plotkin & Kahn, PLLC 1050 Connecticut Ave. NW. Washington, DC 20036 | Newman, Richard Bouker, Jon | The Jewish Primary Day School of the Nation's Capital, Inc. 2100 Linden Lane Silver Spring, MD 20190 | 01/15/2004 07/12/2004 |
| LOBOOO040167 Arent Fox Kintner Plotkin & Kahn, PLLC 1050 Connecticut Avenue, NW Washington, DC 20036 | Richard A. Newman Jon Bouker | American Psychological Association 750 First Street, NE Washington, DC 20002 Tax abatement | 03/18/2004 07/12/2004 |
| LOBOOO040147 Arent, Fox Kintner Plotkin & Kahn, PLLC 1050 Connecticut Avenue, NW Washington, DC 20036 | Richard A. Newman Jon Bouker | Corcoran Gallery of Art 500 17th Street, NW Washington, DC 20006 Funding the Millennium Arts Center | 03/18/2004 07/12/2004 |
| LOBOOO041087 Arnold & Porter 555 Twelfth St. NW Washington, DC 20004 | Michael Goodwin Thorn Pozen | The Shakespeare Theatre c/o Nicholas T. Goldsborough 516 8th St. SE. Washington, DC 20003 | 05/19/2004 07/12/2004 |
| LOBOOO040759 Arnold & Porter 555 Twelfth St. NW Washington, DC 20004 | Covucci, George Thorn Pozen | American College of Cardiology, Foundation Hart House 9111 Old Georgetown Rd. Bethesda, MD 20814 | 01/12/2004 07/19/2004 |

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| LOBOOO040760 Arnold & Porter 555 Twelfth St. NW Washington, DC 20004 | Goodwin, Arnold & Porter, Michael Pozen, Arnold & Porter, Thorn | 1000 K. Street-LLC c/o Jeff Lynch Kite Companies 30 South Meridian St, Suite 110 Indianapolis, IN 46204 | 01/12/2004 07/19/2004 |
| LOBOOO040761 Arnold & Porter 555 Twelfth St. NW Washington, DC 20004 | George Covucci Thorn Pozen | Tregaron Limited Partnership Finkle, Ross & Rost LLP, 100 Ring Rd. West#208 Garden City, NY 11530 | 01/12/2004 07/12/2004 |
| LOBOOO040816 Arnold & Porter 555 12th Street, NW Washington, DC 20004 | Phillips, Stephaine Sprague, Mary Pozen, Thorn | CSX Corporation 500 Water Street, 15th Floor Jacksonville, FL 32202 Hazmat transportation issues | 01/15/2004 07/12/2004 |
| LOBOOO040822 Arnold & Porter 555 12th Street, NW Washington, DC 20004 | Goodwin, Michael Pozen, Thorn | Washington Boat Lines, Inc. 1050 Thomas Jefferson Street, NW, Ste. 100 Washington, DC 20007 General Matters | 01/15/2004 07/12/2004 |
| LOBOOO040890 Associated Builders & Contrctrs. of Metro Wash. 4061 Powder Mill Rd. #120 Calverton, MD 20705 | Zinsmeister, Robert Slaughter, Ken | Associated Builders & Contractors 4061 Powder Mill Road #120 Calverton, MD 20705 | 01/29/2004 07/09/2004 |
| LOBOOO040791 AstraZeneca 1800 Concord Pike 70C Wilmington, DE 19850 | Draine, Michael | AstraZeneca Pharmaceuticals 1800 Concord Pike 70C Wilmington, DE 19850 | 01/12/2004 07/13/2004 |
| LOBOOO040796 AT & T 1120 20th Street, NW, Suite 1000 Washington, DC 20036 | Lee, Angela | AT & T 1120 20th Street, NW Washington, DC 20036 Telecommunications | 01/08/2004 07/20/2004 |

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| LOBOOO040193 | Angela Lee | AT & T Corporate | 02/20/2004 |
| AT & T Corp. | The Carmen Group | 1120 - 20th Street, NW, #1000 | 02/24/2004 |
| 1120-20th Street, N.W. #1000 | | Washington, DC 20036 | |
| Washington, DC 20036 | | Telecommunications & Cable Issues | |
| LOBOOO040756 | McDonald, Tom | Public Storage, Inc. | 01/09/2004 |
| Baker & Hostetler, LLP | Kerrigan, Kathleen | 701 Western Avenue, Ste. 200 | 07/13/2004 |
| 1050 Connecticut Avenue, NW, | | Glendale, CA 91201 | |
| Ste. 1100 | | Uniform Commerical Code | |
| Washington, DC 20036 | | | |
| LOBOOO040729 | Day, A. Marie | Bank of America | 12/31/2003 |
| Bank of America | | 100 North Tryon Street | 07/13/2004 |
| 100 North Tryon Street | | Charlotte, NC 28255 | |
| Charlotte, NC 28255 | | Banking & Financial services industries | |
| LOBOOO040539 | Arnold Porter, Stephen Porter | Bear Saint Properties, Inc. | 01/15/2004 |
| Bear Saint Properties, Inc. | Arnold Porter, Michael Goodwin | 1050 Thomas Jefferson Street | 07/12/2004 |
| 1050 Thomas Jefferson Street | | NW. Suite 100 | |
| NW. Suite 100 | | Washington, DC 20007 | |
| Washington, DC 20007 | | GPO Site | |
| LOBOOO040946 | Ron M. Linton | | 02/23/2004 |
| Bear, Steams & Co. Inc. | | | 07/12/2004 |
| 383 Madison Ave, 11th Floor | | | |
| New York, NY 10179 | | | |
| LOBOOO040946 | Ron M. Linton | Bear, Steams & Co. | 02/23/2004 |
| Bear, Steams & Co. Inc. | | 383 Madison Avenue, 11th Floor | 07/12/2004 |
| 383 Madison Ave, 11th Floor | | New York, NY 10179 | |
| New York, NY 10179 | | | |
| LOBOOO041043 | James W. Hill Jr. | | 03/29/2004 |
| Brown & Williamson Tobacco Corporation | Mary Bea Eaton | | 07/12/2004 |
| 401 South Fourth Street | Edward L. McCarty | | |
| Louisville, KY 40202 | | Tobacco products | |

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| City, State and Zip | | Nature of Lobbying | Term Date |
| LOBOOO041043 | James W. Hill Jr. | Brown & Williamson Tobacco | 03/29/2004 |
| Brown & Williamson Tobacco Corporation | Mary Bea Eaton | Corp. | 07/12/2004 |
| 401 South Fourth Street | Edward L. McCarty | 401 4th Street | |
| Louisville, KY 40202 | | Louisville, KY 40202 | |
| | | Tobacco products | |
| LOBOOO040758 | O'Dell, Wayne | Cable Telecommunications | 01/13/2004 |
| Cable Telecommunications Association of MD, DE & DC | Gunther, Robert | Association of MD, DE & DC | 07/08/2004 |
| 2530 Riva Rd, Suite 316 | Conwell, John | 2530 Riva Rd. Ste. 316 | |
| Annapolis, MD 21401 | | Annapolis, MD 21401 | |
| LOBOOO040484 | Hatton, Julie | CareFirst BlueCross BlueShield | 01/09/2004 |
| Carefirst BlueCross BlueShield | Schneider, Pauline | 10455 Mill Run Circle | 06/30/2004 |
| 10455 Mill Run Circle | | Owings Mill, MD 21117 | |
| Owings Mill, MD 21117 | | Health Insurance | |
| LOBOOO041167 | David Carmen & Bill Outhier | National Childrens Museum | 01/15/2004 |
| Carmen Group Inc | | 800 3rd Street NE | 07/12/2004 |
| 1301 K Street NW 8th Floor East | | Washington, DC 20002 | |
| Washington, DC 20005 | | General issues regarding the relocation of | |
| LOBOOO040465 | Jemmott, Diane | Major Medicaid Hospital Coalition | 01/15/2004 |
| Carmen Group, Inc. | Harper, Dal | 111 Michigan Ave. NW. | 07/13/2004 |
| 1301 K Street, NW, 8th Floor East | Carmen, David | Washington, DC 20001 | |
| Washington, DC 20005 | Hampton, Greg | Medicaid | |
| | Thompson, David | | |
| LOBOOO040369 | Carmen, David | Washington Hospital Center | 01/15/2004 |
| Carmen Group, Inc. | Hampton, Greg | 110 Irving Street, NW | 07/16/2004 |
| 1301 K Street, 8th Floor East | Thompson, David | Washington, DC 20010 | |
| Washington, DC 20005 | | Healthcare Policy & Funding | |
| LOBOOO040535 | Jemmott, Diane | Western Development | 01/15/2004 |
| Carmen Group, Inc. | Carmen, David | Corporation | 07/13/2004 |
| 1301 K Street, NW, 8th Floor East | Harper, Dal | 1054 31st Street NW. #410 | |
| Washington, DC 20005 | Hassell, John | Washington, DC 20007 | |
| | Hoitsma, Gary | Developer | |
| | O'Connell, Mia | | |
| | Wassmer, Victoria | | |

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| LOBOOO040536 | Jemmott, Diane | Urban Services Systems | 01/15/2004 |
| Carmen Group, Inc. | Carmen, David | Corporation | 07/13/2004 |
| 1301 K Street, NW, 8th Floor East | Harper, Dal | 212 Van Buren Street, NW | |
| Washington, DC 20005 | | Washington, DC 20012 | |
| | | Solid Waste | |
| LOBOOO040371 | Jemmott, Diane | Parsons Transportation Group, | 01/15/2004 |
| Carmen Group, Inc. | Wassmer, Victoria | Inc. | 07/13/2004 |
| 1301 K Street, NW, 8th Floor East | Harper, Dal | 1133 15th Street, NW | |
| Washington, DC 20005 | | 20005 | |
| | | DC Government Centers | |
| LOBOOO040826 | Jemmott, Diane | Metropolitan Washington Airports | 01/15/2004 |
| Carmen Group, Inc. | Harper, Dal | Authority | 07/13/2004 |
| 1301 K Street, NW, 8th Floor East | | 1 Aviation Circle | |
| Washington, DC 20005 | | Washington, DC 20005 | |
| | | Taxicab issues | |
| LOBOOO040423 | Carmen, David | Washington Sports & | 01/15/2004 |
| Carmen Group, Inc. | | Entertainment | 07/13/2004 |
| 1301 K Street, NW, 8th Floor East | | 601 F St. NW. | |
| Washington, DC 20005 | | Washington, DC 20004 | |
| | | Economic Development | |
| LOBOOO040370 | Jemmott, Diane | Related Companies | 01/15/2004 |
| Carmen Group, Inc. | Carmen, David | 65 Madison Avenue | 07/13/2004 |
| 1301 K Street, NW, 8th Floor East | Dal Harper | New York, NY 10022 | |
| Washington, DC 20005 | | Economic Development Projects | |
| LOBOOO040059 | Bowens, Jacqueline | Children's National Medical | 01/15/2004 |
| Children's National Medical | Todd, Greta | Center | 07/30/2004 |
| Center | The, Carmen Group | 111 Michigan Avenue, NW | |
| 111 Michigan Avenue | | Washington, DC 20010 | |
| Washington, DC 20010 | | Health Care Issues | |
| LOBOOO040949 | J. Darrow Kirkpatrick | Christian Science Cmte on Pub. | 02/13/2004 |
| Christian Science Cmte. on Pub. | | for DC | 07/13/2004 |
| for DC | | 1425 4th Street, NW A1115 | |
| 1425 4th Street, NW, #A1115 | | Washington, DC 20024 | |
| Washington, DC 20024 | | | |

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| LOBOOO040772 Cingular Wireless/Ron Burleson 5565 Glenridge Connector, 17th Floor, Atlanta, GA 30342 | Wilmot, David | Cingular Wireless/Ron Burleson 5565 Glenridge Connector, 17th Floor Atlanta, GA 30342 | 01/12/2004 07/19/2004 |
| LOBOOO041107 Citizens Committee for the DC Video Lottery Terminal Initiative c/o Vickey Wilcher, Treasurer 18 Quincy Place, NW Washington, DC 20001 | John Ray Tina Ang | N/A | 06/18/2004 07/14/2004 |
| LOBOOO040435 Coalition for Non Profit Housing & Economic Development 5 Thomas Circle, NW Suite 209 Washington, DC 20012 | Pohlman, Robert | Coalition for Non Profit Housing & Economic Development 5 Thomas Circle, NW, Suite 209 Washington, DC 20012 | 01/29/2004 07/21/2004 |
| LOBOOO040845 Corcoran Gallery of Art 500 17th Street NW Washington, DC 20006 | Arent Fox Kintner Plot & KahnPLLC | Corcoran Gallery of Art 500 17th Street NW Washington, DC 20006 Funding for The Millennium Arts Center. | 01/12/2004 07/12/2004 |
| LOBOOO040393 Corrections Corp. of America 10 Burton Hills Blvd. Nashville, TN 37215 | Wiley, Jeremy Jordan, Lloyd | Corrections Corp. of America 10 Burton Hills Blvd. Nashville, TN 37215 Correction Institutions | 02/11/2004 07/23/2004 |
| LOBOOO040706 CSX Corporation 500 Water Street, 15th Floor Jacksonville, FL 32202 | Shinn, Robert | CSX Corporation 500 Water Street, 15th Floor Jacksonville, FL 32202 Hazmat transportation issues | 01/15/2004 07/12/2004 |
| LOBOOO040396 D.C. Chartered Health Plan, Inc. 820 1st Street NE Washington, DC 20002 | Ray, John Ang, Tina Johnson, Thomas | D.C. Chartered Health Plan, Inc. 820 1st Street, NE Washington, DC 20002 Health care services | 01/08/2004 07/15/2004 |

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| LOBOOO040197 | Berman, Lawrence | D.C. Insurance Federation | 01/16/2004 |
| D.C. Insurance Federation | | 50 F Street, NW, Suite 600 | 07/23/2004 |
| 50 F Street, NW, Suite 600 | | Washington, DC 20001 | |
| Washington, DC 20001 | | Matters re: Insurance business | |
| LOBOOO040793 | Nathanson, Jim | D.C. Legal | 01/09/2004 |
| D.C. Legal | | 1100 Connecticut Avenue, NW, | 07/13/2004 |
| 1100 Connecticut Avenue, NW, | | Ste. 800 | |
| Ste. 800 | | Washington, DC 20036 | |
| Washington, DC 20036 | | personal injury | |
| LOBOOO040780 | Wilmot, David | Hotel Association of Washington, | 01/12/2004 |
| David W. Wilmot, Esq | | DC Inc. | 07/16/2004 |
| 1010 Vermont Ave. NW. Ste 810 | | 1201 New York Ave. NW Ste. 601 | |
| Washington, DC 20005 | | Washington, DC 20005 | |
| LOBOOO040781 | Wilmot, David | Teachers Insurance and Annuity | 01/12/2004 |
| David W. Wilmot, Esq | | College Retirement Equities | 07/16/2004 |
| 1010 Vermont Ave. NW Ste 810 | | Fund(TIAA-CREF) | |
| Washington, DC 20005 | | 730 Third Ave. | |
| | | New York, NY 10017 | |
| LOBOOO040777 | Wilmot, David | Fannie Mae | 01/12/2004 |
| David W. Wilmot, Esq. | | 3900 Wisconsin Ave. NW | 07/19/2004 |
| 1010 Vermont Ave. NW Ste. 810 | | Washington, DC 20036 | |
| Washington, DC 20005 | | | |
| LOBOOO040773 | Wilmot, David | Cingular Wireless | 01/12/2004 |
| David W. Wilmot, Esq. | | c/o Randy Roberts 5565 | 07/19/2004 |
| 1010 Vermont Ave. NW Ste. 810 | | Glenridge Connector, 17th Flr. | |
| Washington, DC 20005 | | Atlanta, GA 30342 | |
| LOBOOO040891 | Wilmot, David | AT&T Wireless Services | 01/12/2004 |
| David W. Wilmot, Esq. | | Mid-Atlantic-Southeast Regions | 07/19/2004 |
| 1010 Vermont Ave. NW. Ste. 810 | | 6305 Waldo Crt. | |
| Washington, DC 20005 | | Alexandria, VA 22315 | |

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| LOBOOO041138 David W. Wilmot, Esq. 1010 Vermont Avenue, NW Suite 810 Washington, DC 20005 | | Pfizer, Inc. c/o Carl Johnson 11921 Freedom Drive Suite 300 Reston, VA 20190 | 07/12/2004 07/16/2004 |
| LOBOOO040695 David Wilmot, Esq. 1010 Vermont Avenue, NW, Ste. 810 Washington, DC 20005 | Wilmot, David | Anheuser Busch Companies, Inc. 1776 Eye Street, NW, Suite 200 Washington, DC 20006 | 01/12/2004 07/16/2004 |
| LOBOOO040734 DC Hospital Association 1250 Eye Street, NW, Ste. 700 Washington, DC 20005 | Malson, Robert Tucker, Debi | DC Hospital Association 1250 Eye Street, NW, Suite 700 Washington, DC 20005 Health Care | 01/07/2004 07/19/2004 |
| LOBOOO041166 Delbe Real Estate 5125 MacArthur Boulevard, NW, Ste. 430 Washington, DC 20016 | John T. Epting Jeffrey C. Utz | Real Estate | 07/16/2004 07/20/2004 |
| LOBOOO041166 Delbe Real Estate 5125 MacArthur Boulevard, NW, Ste. 430 Washington, DC 20016 | John T. Epting Jeffrey C. Utz | Delbe Real Estate 5125 MacArthur Blvd., NW, #430 Washington, DC 20016 Real Estate | 07/16/2004 07/20/2004 |
| LOBOOO040204 Ellen Valentino-Benitez 12 Francis Street Annapolis, MD 21401 | Ellen Valentino-Benitez | MD-DE-DC Soft Drink Assoc. 3 Church Circle, Suite 201 Annapolis, MD 21401 Issues affecting soft drink industry | 01/12/2004 07/02/2004 |
| LOBOOO040740 Fannie Mae 3900 Wisconsin Ave. NW. Washington, DC 20016 | Duncan, Duane Maloney, Robert Jones, Charles Wilmot, David Cooke, Frederick | Fannie Mae 3900 Wisconsin Ave., NW Washington, DC 20016 | 01/09/2004 07/13/2004 |

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| LOBOOO040750 Frank D. Boston, III Village Square I, Ste. 169, Baltimore, MD 21210 | Boston, Frank | Miller Brewing Company 1175 Peachtree St. NE Ste. 1660 Atlanta, GA 30361 | 01/09/2004 01/16/2004 |
| LOBOOO040751 Frank D. Boston, III Village Square I, Ste 169 Baltimore, MD 21210 | Boston, Frank | Kraft Foods North America, Inc. Morris Management Corp. 101 Constitution Ave. NW Ste. 400 Washington, DC 20005 | 01/09/2004 01/16/2004 |
| LOBOOO040752 Frank D. Boston, III Village Square I, Ste. 169 Baltimore, MD 21210 | Boston, Frank | Elevator Industry Work Preservation Fund 3608 156th Street Urbandale, IA 50323 | 01/09/2004 01/16/2004 |
| LOBOOO040754 Frank D. Boston, III Village Square I, Ste. 169 Baltimore, MD 21210 | Boston, Frank | Altria Corporate Services, Inc. 101 Constitution Ave. Ste. 400 Washington, DC 20005 | 01/09/2004 01/16/2004 |
| LOBOOO040461 Frederick D. Cooke, Jr. 1155 Connecticut Avenue, NW, Suite 600 Washington, DC 20036 | Cooke, Frederick | Fannie Mae 3900 Wisconsin Avenue, NW Washington, DC 20016 Legislative matters | 01/10/2004 07/13/2004 |
| LOBOOO041163 Friends Committee on National Legislation 245 Second Street, NE Washington, DC 20002 | Paul A. Tummonds Jr. | Friends Committe on National Legislation 245 Second Street, NE Washington, DC 20002 Real Estate tax exemption | 07/16/2004 07/20/2004 |
| LOBOOO040403 Government Employees Insurance Company 1 Geico Plaza Washington, DC 20076 | Hinton, Larry | N/A Larry Hinton | 02/09/2004 07/15/2004 |

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| LOB000041168 | Maureen E. Dwyer | | 07/16/2004 |
| Greenvest, L.C. | | | 07/20/2004 |
| 8614 Westwood Center Drive, Ste. 900 | | Proposal for redevelopment | |
| Vienna, VA 22218 | | | |
| LOB000041168 | Maureen E. Dwyer | Greenvest, L.C. | 07/16/2004 |
| Greenvest, L.C. | | 8614 Westwood Center Drive, Ste. 900 | 07/20/2004 |
| 8614 Westwood Center Drive, Ste. 900 | | Vienna, VA 22218 | |
| Vienna, VA 22218 | | Proposal for redevelopment | |
| LOB000040510 | Brown, Max | Public Consulting Group | 01/15/2004 |
| Group 360, LLC | | 212 South Tryon Street, 14th Floor | 07/12/2004 |
| 3208 Q Street, NW | | Charlotte, NC 28281 | |
| Washington, DC 20007 | | | |
| LOB000040819 | Brown, Max | PEPCO, Inc. | 01/08/2004 |
| Group 360, LLC | | 701 9th Street, NW | 07/12/2004 |
| 3208 Q Street, NW | | Washington, DC 20068 | |
| Washington, DC 20007 | | Utility business | |
| LOB000040441 | Brown, Max | Medstar Health | 01/15/2004 |
| Group 360, LLC | | 5565 Sterrett Place | 07/12/2004 |
| 3208 Q Street, NW | | Columbia, MD 21044 | |
| Washington, DC 20007 | | Healthcare | |
| LOB000040650 | Brown, Max | The Forge Company | 01/15/2004 |
| Group 360, LLC | | 1050 Thomas Jefferson Street, NW, Ste. 100 | 07/12/2004 |
| 3208 Q Street, NW | | Washington, DC 20007 | |
| Washington, DC 20007 | | | |
| LOB000040172 | Brown, Max | The Edmund Burke School | 01/15/2004 |
| Group 360, LLC | | 2955 Upton Street, NW | 07/12/2004 |
| 3208 Q Street, NW | | Washington, DC 20008 | |
| Washington, DC 20007 | | Land issues | |

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| City, State and Zip | | Nature of Lobbying | Term Date |
| LOBOOO040173 | Brown, Max | Washington Baseball Club | 01/15/2004 |
| Group 360, LLC | | 600 New Hampshire Avenue, NW | 07/12/2004 |
| 3208 Q Street, NW | | Washington, DC 20037 | |
| Washington, DC 20007 | | Baseball Issues | |
| LOBOOO040687 | Brown, Max | ACS | 01/15/2004 |
| Group 360, LLC | | 1200 K Street, NW | 07/12/2004 |
| 3208 Q Street, NW | | Washington, DC 20005 | |
| Washington, DC 20007 | | ACS | |
| LOBOOO040445 | Brown, Max | The Corcoran Gallery of Art | 01/15/2004 |
| Group 360, LLC | | 500 17th Street, NW | 07/12/2004 |
| 3208 Q Street, NW | | Washington, DC 20006 | |
| Washington, DC 20007 | | Re: Randall School | |
| LOBOOO040820 | Brown, Max | MCI, Inc. | 01/15/2004 |
| Group 360, LLC | | North Carolina Blvd, Suite 700 | 07/12/2004 |
| 3208 Q Street, NW | | Walnut Creek, CA 94596 | |
| Washington, DC 20008 | | Advocate for legislation | |
| LOBOOO040689 | Brown, Max | The Greater Washington Board of | 01/15/2004 |
| Group 360, LLC | | Trade | 07/12/2004 |
| 3208 Q Street, NW | | 1725 Eye Street, NW | |
| Washington, DC 20007 | | Washington, DC 20006 | |
| LOBOOO040821 | Brown, Max | CEMUSA | 01/15/2004 |
| Group 360, LLC | | 645 N. Michigan Avenue, Suite | 07/12/2004 |
| 3208 Q Street, NW | | 800 | |
| Washington, DC 20007 | | Chicago, IL 60611 | |
| | | Advertising | |
| LOBOOO040730 | Ray, John | H Street Investment Corporation | 01/06/2004 |
| H Street Investment Corporation | | 501 H Street, NW | 07/14/2004 |
| 501 H Street, NW | | Washington, DC 20002 | |
| Washington, DC 20002 | | | |

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| LOBOOO040765 | Glasgow, Norman | LCOR Incorporated | 01/12/2004 |
| Holland & Knight | Knight, Holland | 6550 Rock Spring Dr. #280 | 07/12/2004 |
| 2099 Pennsylvania Ave. NW. Ste. | | Bethesda, MD 20817 | |
| 100 | | | |
| Washington, DC 20006 | | | |
| LOBOOO040764 | Knight, Holland | Valhal Corp. | 01/12/2004 |
| Holland & Knight LLP | Glasgow, Norman | 434 Broadway, 8th Fl., | 07/12/2004 |
| 2099 Pennsylvania Ave. NW. Ste. | | New York, NY 10013 | |
| 100 | | | |
| Washington, DC 20006 | | | |
| LOBOOO040565 | Norman M. Glasgow Jr. | Community Preservation | 01/12/2004 |
| Holland & Knight LLP | Christine Moseley | Development Corporation | 07/19/2004 |
| 2099 Pennsylvania Ave. NW. | | 5513 Connecticut Ave. NW. Suite | |
| Washington, DC 20006 | | 250 | |
| | | Washington, DC 20015 | |
| | | Alley Closing Legislation | |
| LOBOOO040561 | Hughes, Dennis | Religious Action Center for | 01/12/2004 |
| Holland & Knight LLP | | Reform Judaism | 07/19/2004 |
| 2099 Pennsylvania Ave. NW. | | 2027 Massachusetts Ave. NW | |
| Washington, DC 20006 | | Washington, DC 20036 | |
| LOBOOO040786 | Glasgow, Jr., Holland & Knight LLP, | Arena Stage | 01/12/2004 |
| Holland & Knight LLP | Hughes, Holland & Knight LLP, Den | 1101 6th Street SW | 07/20/2004 |
| 2099 Pennsylvania Ave. NW. | | Washington, DC 20024 | |
| Washington, DC 20006 | | | |
| LOBOOO040606 | Douglas J. Patton Roderic L. Woods | Miller & Long Concrete | 01/12/2004 |
| Holland & Knight LLP | | Construction | 07/15/2004 |
| 2099 Pennsylvania Ave NW. Suite | | 4824 Rugby Ave. | |
| 100 | | Bethesda, MD 20814 | |
| Washington, DC 20006 | | | |
| LOBOOO040605 | Douglas J. Patton | Washington Area New | 01/12/2004 |
| Holland & Knight LLP | | Automobiles Dealers Association | 07/12/2004 |
| 2099 Pennsylvania Ave. NW Suite | | 5301 Wisconsin Ave. NW. Suite | |
| 100 | | 210 | |
| Washington, DC 20006 | | Washington, DC 20015 | |

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| City, State and Zip | | Nature of Lobbying | Term Date |
| LOBOOO040564 | Norman M. Glasgow Jr. | Donatelli & Klein | 01/12/2004 |
| Holland & Knight LLP | Christine Moseley Shiker | 7200 Wisconsin Ave. Ste. 300 | 07/12/2004 |
| 2099 Pennsylvania Ave. NW | | Bethesda, MD 20814 | |
| Washington, DC 20006 | | Alley and Street Closing Legislation | |
| LOBOOO040601 | Roderic L. Woodson, Holland & Kni | The Hawthorne Group, L.C. | 01/12/2004 |
| Holland & Knight LLP | | 1199 North Fairfax Street, | 07/16/2004 |
| 2099 Pennsylvania Ave. NW. Suite 100 | | Alexandria, VA 22314 | |
| Washington, DC 20006 | | Health | |
| LOBOOO041135 | Norman M. Glasgow Jr. Holland & K | P.N. Hoffman, Inc. | 01/12/2004 |
| Holland & Knight LLP | | 4725 Wisconsin Ave. NW. Ste. 200 | 07/12/2004 |
| 2099 Pennsylvania Ave. NW. | | Washington, DC 20016 | |
| Washington, DC 20006 | | Alley Closing Legislation | |
| LOBOOO041136 | Lloyd J. Jordan | Tompkins Builders | 01/12/2004 |
| Holland & Knight LLP | | 1333 H. St. NW. Ste. 200 | 07/12/2004 |
| 2099 Pennsylvania Ave. NW. | | Washington, DC 20005 | |
| Washington, DC 20006 | | UCC Contract | |
| LOBOOO041137 | Mary Carolyn Brown | Waste Management of Md., Inc. | 01/12/2004 |
| Holland & Knight LLP | | 448 Lincoln Highway | 07/14/2004 |
| 2099 Pennsylvania Ave. NW. | | Fairless Hills, PA 19030 | |
| Washington, DC 20006 | | D.C. Noise Bill Amendments B15-280 | |
| LOBOOO040471 | Patton, Douglas | Kaplan & Fox | 01/12/2004 |
| Holland & Knight, LLP | Woodson, Roderic | 805 Third Avenue | 07/15/2004 |
| 2099 Pennsylvania Avenue, NW, Suite 100 | | New York, NY 10022 | |
| Washington, DC 20006 | | | |
| LOBOOO040175 | Patton, Douglas | The Washington Ctr. for Internships & Academi | 01/12/2004 |
| Holland & Knight, LLP | | 2301 M Street, NW, Fifth Floor | 07/23/2004 |
| 2099 Pennsylvania Avenue, NW, Suite 100 | | Washington, DC 20034 | |
| Washington, DC 20006 | | Acquisition of Land and Buildings | |

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| LOBOOO040440 Holland & Knight, LLP 2099 Pennsylvania Avenue, NW, Suite 100 Washington, DC 20006 | Patton, Douglas | Urban Investment Partners, LP 1701 K Street, NW, 4th Floor Washington, DC 20006 DC legislative matters | 01/12/2004 07/12/2004 |
| LOBOOO040187 Holland & Knight, LLP 2099 Pennsylvania Avenue, NW, Suite 100 Washington, DC 20006 | Patton, Douglas | Circle Management Company 4018 Brandywine Street, NW Washington, DC 20016 | 01/12/2004 07/12/2004 |
| LOBOOO041131 Holland & Knight, LLP 2099 Pennsylvania Ave. NW. Ste. 100 Washington, DC 20006 | Douglas J. Patton Holland and Kni | Commercial Real Estate Services 1410 N. Scott Street, #764 Arlington, VA 22209 Zoning Matters | 07/12/2004 07/12/2004 |
| LOBOOO040787 Holland & Knight, LLP 2099 Pennsylvania Ave. NW. Ste 100 Washington, DC 20006 | Patton, Douglas Woodson, Roderic Knight, Holland | Jobs Coalition, Inc. c/o Reverend Anthony Motley 4035 South Capitol Street SW. Washington, DC 20032 | 01/12/2004 07/15/2004 |
| LOBOOO040788 Holland & Knight, LLP 2099 Pennsylvania Ave. NW. Ste 100 Washington, DC 20006 | Knight, Holland Patton, Douglas | Steele Hector Davis, LLP c/o Stephanie Anne Lipinski Galland 509 C St. NE Washington, DC 20002 | 01/12/2004 07/23/2004 |
| LOBOOO040498 Hotel & Restaurant Employees, Local 25 1003 K St. NW Washington, DC 20019 | Powell, Rick | N/A Labor Bill 14-7 | 01/12/2004 07/15/2004 |
| LOBOOO040498 Hotel & Restaurant Employees, Local 25 1003 K St. NW Washington, DC 20019 | Powell, Rick | Hotel & Restaurant Employees, Local 25 1003 K Street, NW Washington, DC 20019 Labor Bill 14-7 | 01/12/2004 07/15/2004 |

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| LOBOOO040733 | Walker, Reba | Hotel Association of Washington, | 01/07/2004 |
| Hotel Association of Washington, | Wilmot, David | DC | 07/08/2004 |
| D.C., Inc. | | 1201 New York Avenue, NW, Ste. | |
| 1201 New York Avenue, NW, Ste | | 601 | |
| 601 | | Washington, DC 20005 | |
| Washington, DC 20005 | | Hotel Industry | |
| LOBOOO040731 | | D.C. Legal | 01/07/2004 |
| James E. Nathanson | Nathanson, James | 1100 Connecticut Avenue, NW, | 07/15/2004 |
| 1625 16th Street, NW, #501 | | #800 | |
| Washington, DC 20009 | | Washington, DC 20036 | |
| LOBOOO040766 | Kinlow, Tonya | Kaiser Foundation Health Plan of | 01/12/2004 |
| Kaiser Foundation Health Plan of | Thompson, Gail | the Mid-Atlantic States, Inc. | 08/03/2004 |
| the Mid -Atlantic States, Inc. | | 2101 East Jefferson Street | |
| 2101 East Jefferson St. | | Rockville, MD 20852 | |
| Rockville, MD 20852 | | | |
| LOBOOO040054 | Dan Colegrove | Kraft Foods North America, Inc. | 01/14/2004 |
| Kraft Foods North America, Inc. | Mary Eva Candon | P.O. Box 26603 | 07/08/2004 |
| 101 Constitution Avenue, NW, | | Richmond, VA 23261 | |
| #400-W | | Matters relating to food products | |
| Washington, DC 20001 | | | |
| LOBOOO040849 | Kline, Andrew | Restaurant Association of | 01/21/2004 |
| Law Office of Andrew J. Kline | | Metropolitan Wash. | 07/12/2004 |
| 1225 19th Street NW Ste. 320 | | 1200 17th Street NW. Ste 110 | |
| Washington, DC 20036 | | Washington, DC 20036 | |
| LOBOOO040849 | Kline, Andrew | Jillian's Management Co., Inc | 01/21/2004 |
| Law Office of Andrew J. Kline | | 4500 Bowling Blvd. | 07/12/2004 |
| 1225 19th Street NW Ste. 320 | | Louisville, KY 40207 | |
| Washington, DC 20036 | | | |
| LOBOOO040795 | | Columbia Federal Ins. Co. | 01/12/2004 |
| Lawrence E. Berman | Berman, Lawrence | 1908 Bladensburg Rd. NE. | 07/12/2004 |
| 50 F St. NW #600 | | Washington, DC 20002 | |
| Washington, DC 20001 | | | |

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| City, State and Zip | | Nature of Lobbying | Term Date |
| LOBOOO040943 Lawrence E. Berman 50 F. Street NW. Suite 600 Washington, DC 20001 | Lawrence Berman | Crown Insurance Company 2122 24th St. NE. Washington, DC 20018 | 01/09/2004 07/23/2004 |
| LOBOOO040775 Lent Scrivner & Roth LLC 1420 New York Ave. NW Ste. 800 Washington, DC 20005 | Lent, Norman | Michael S. Scrivner 1420 New York Ave. NW Ste. 800 Washington, DC 20005 | 01/13/2004 07/13/2004 |
| LOBOOO040783 Leo W. Doyle 190 Duke of Gloucester St. Annapolis, MD 21401 | Doyle, Leo | Property Casualty Insurance Association of America(PCI formerly NAI) 2600 River Rd. Des Plaines, IL 60018 | 01/12/2004 07/15/2004 |
| LOBOOO040410 Manatt, Phelps & Phillips 1501 M St., NW Washington, DC 20005 | Ray, John | Medias & Regies Europe, Medias & Regies America, Inc. 1375 East 9th St., Ste.2810 Cleveland, OH 44114 Prospective Street Furniture Advertising | 01/08/2004 07/14/2004 |
| LOBOOO040408 Manatt, Phelps & Phillips 1501 M St., NW Washington, DC 20005 | Ray, John Ang, Tina | D.C. Chartered Health Plan, Inc. 820 1st St., NE Washington, DC 20002 Health Care Services | 01/08/2004 07/14/2004 |
| LOBOOO040642 Manatt, Phelps & Phillips 1501 M. Street NW Washington, DC 20005 | Ray, John Ang, Tina | Prince George's Contractors, Inc. 4311 Kirby Road Clinton, MD 20735 | 01/08/2004 07/14/2004 |
| LOBOOO040815 Manatt, Phelps & Phillips 1501 M Street, NW Washington, DC 20005 | Ray, John Ang, Tina | William Calomiris Company, LLC 1112 16th Street, NW, 9th Floor Washington, DC 20036 Housing conversion | 01/08/2004 07/14/2004 |

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| LOBOOO040476 | Ang, Tina | Greater Southeast Community Hospital Corp. | 01/08/2004 |
| Manatt, Phelps & Phillips | Ray, John | 1310 Southern Avenue, SE | 07/14/2004 |
| 1501 M Street, NW | | Washington, DC 20032 | |
| Washington, DC 20005 | | DC Helthcare Alliance | |
| LOBOOO040505 | Ray, John | H Street Investment Corporation | 01/08/2004 |
| Manatt, Phelps & Phillips | Ang, Tina | 501 H Street, NE | 07/14/2004 |
| 1501 M Street, NW | | Washington, DC 20002 | |
| Washington, DC 20005 | | Advice and counsel regarding government assisted development | |
| LOBOOO040615 | Ray, John | Thompson, Cobb, Bazilio & Associates | 01/08/2004 |
| Manatt, Phelps & Phillips | Ang, Tina | 1101 15th Street, NW | 07/14/2004 |
| 1501 M Street, NW | | Washington, DC 20005 | |
| Washington, DC 20005 | | | |
| LOBOOO040702 | Ray, John | Mercer Human Resources Consulting % Marsh & McLennan Companies, Inc. | 01/08/2004 |
| Manatt, Phelps & Phillips | Ang, Tina | 1166 Avenue of the Americas | 07/14/2004 |
| 1501 M Street NW | | New York, NY 10036 | |
| Washington, DC 20005 | | | |
| LOBOOO040947 | John L. Ray Manatt Phelps & Philli | William C. Smith & Company | 02/24/2004 |
| Manatt, Phelps & Phillips | Tina Ang Manatt Phelps & Phillips | 1220 L. Street NW | 07/15/2004 |
| 1501 M. Street NW | | Washington, DC 20005 | |
| Washington, DC 20005 | | | |
| LOBOOO041106 | John Ray | Citizens Committee for the DC Video Lottery Terminal Initiative* | 06/15/2004 |
| Manatt, Phelps & Phillips | Tina Ang | c/o Vickey Wilcher, Treasurer 18 Quincy Place, NW | 07/14/2004 |
| 1501 M Street, NW | | Washington, DC 20001 | |
| Washington, DC 20005 | | | |
| LOBOOO040948 | Martin G. Rohling | Eli Lilly | 02/23/2004 |
| Martin G. Rohling | | 555 12th Street, NW, #650 | 07/15/2004 |
| 1911 N. Ft. Myer Drive #707 | | Washington, DC 20004 | |
| Arlington, VA 22209 | | | |

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| City, State and Zip | | Nature of Lobbying | Term Date |
| LOBOOO040737 | Harkins, Deborah | Community Loans of America, Inc. | 01/07/2004 |
| McGlinchey Stafford, PLLC | | 8601 Dunwoody Place, Ste. 406 | 07/13/2004 |
| One American Place, 9th Floor | | Atlanta, GA 30350 | |
| Baton Rouge, LA 70825 | | Lending Law | |
| LOBOOO040211 | Ellen Valentino-Benitez | MD-DE-DC Soft Drink Association | 01/12/2004 |
| MD-DE-DC Soft Drink Association | | 171 Conduit Street | 07/02/2004 |
| 3 Church Circle, Suite 201 | | Annapolis, MD 21401 | |
| Annapolis, MD 21401 | | Matters affecting Soft Drink Assoc. | |
| LOBOOO040940 | Ethel V. Knighton | N/A | 02/10/2004 |
| Medco Health Solutions, Inc. | | | 07/13/2004 |
| 19520 Yellow Wing Court | | Health Care | |
| Colorado Springs, CO 80908 | | | |
| LOBOOO040736 | Ray, John | Medias & Regies Europe | 01/07/2004 |
| Medias & Regies Europe | Ang, Tina | 1375 East 9th Street, Suite 2810 | 07/14/2004 |
| 1375 East 9th Street, Suite 2810 | | Cleveland, OH 44114 | |
| Cleveland, OH 44114 | | Furniture Advertising | |
| LOBOOO040732 | Shanbacker, K. Edward | Medical Society of DC | 01/07/2004 |
| Medical Society of DC | | 2175 K Street, NW, Suite 200 | 07/13/2004 |
| 2175 K Street, NW, Ste. 200 | | Washington, DC 20037 | |
| Washington, DC 20037 | | | |
| LOBOOO040392 | Colegrove, Dan | Miller Brewing Company | 03/11/2004 |
| Miller Brewing Company | Boston, Frank | 3939 West Highland Blvd., | 07/09/2004 |
| 3939 West Highland Blvd. , | Rochelle Goldman | Milwaukee, WI 53208 | |
| Milwaukee, WI 53208 | Mary Eva Candon | Domestic Breweries and beer | |
| LOBOOO041171 | Paul A. Tummonds Shaw Pittman L | Mt. Pleasant Business Association | 01/15/2004 |
| Mt Pleasant Business Association | | 3213 Mt. Pleasant Street, NW | 07/16/2004 |
| 3213 Mt Pleasant St. NW | | Washington, DC 20010 | |
| Washington, DC 20010 | | Telephone conference with councilmember Graham | |

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| LOBOOO041164 | Shaw Pittman LLP | Mt. Pleasant Business Association | 01/15/2004 |
| Mt. Pleasant Business Association | | 3213 Mt. Pleasant Street, NW | 07/16/2004 |
| 3213 Mt. Pleasant Street NW. | | Washington, DC 20010 | |
| Washington, DC 20010 | | Telephone Conference with councilmember | |
| LOBOOO040921 | Hall Winston & Strawn, William | National Paint & Coatings Association | 02/12/2004 |
| National Paint & Coatings Association | McMickle Winston & Strawn, John | 1500 Rhode Island Avenue, NW | 07/13/2004 |
| 1500 Rhode Island Ave. NW. | | Washington, DC 20005 | |
| Washington, DC 20005 | | | |
| LOBOOO040874 | Cassidy, Thomas | PHRMA | 01/26/2004 |
| Nowell Amoroso Klein Bierman | | 1615 L. Street NW. Ste. 1260 | 07/08/2004 |
| 1050 Connecticut Ave. NW | | Washington, DC 20036 | |
| Washington, DC 20036 | | Access RX Legislation | |
| LOBOOO040892 | Pascal, Paul | DC Association of Beverage Alcohol Wholesalers | 01/06/2004 |
| Pascal & Weiss P.C. | | 1008 Pennsylvania Avenue, SE | 07/08/2004 |
| 1008 Pennsylvania Avenue, SE | | Washington, DC 20003 | |
| Washington, DC 20003 | | | |
| LOBOOO040448 | Trabue, Theodore | Pepco Energy Services | 01/12/2004 |
| Pepco Energy Services | | 1300 North 17th Street, NW, Suite 1600 | 07/02/2004 |
| 1300 North 17th St., NW. Suite 1600 | | Arlington, VA 22209 | |
| Arlington, VA 22209 | | | |
| LOBOOO040945 | Frank Howard Jr. | Pharmaceutical Research & Manufacturers of America (PhRMA) | 02/24/2004 |
| Pharmaceutical Research & Manufacturers of America (PhRMA) | | 1100 15th Street NW, Ninth Floor | 07/15/2004 |
| 1100 15th Street NW, Ninth Floor | | Washington, DC 20005 | |
| Washington, DC 20005 | | | |
| LOBOOO040534 | Mary Eva Candon | Phillip Morris USA Inc., | 01/14/2004 |
| Philip Morris USA Inc., | | 101 Constitution Ave, NW Suite 400W | 07/23/2004 |
| 101 Constitution Ave. NW Suite 400W | | Washington, DC 20001 | |
| Washington, DC 20001 | | Tobacco Products | |

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| LOBOOO040449 Potomac Electric Company 701 Ninth St. NW. Washington, DC 20068 | Sim, William Trabue, Theodore | Not Applicable | 01/12/2004 07/02/2004 |
| LOBOOO040649 Prince George's Contractors, Inc. 4311 Kirby Road Clinton, MD 20735 | Manatt, Phelps & Phillips, John Ray Manatt, Phelps & Phillips, Tina Ang | NA NA | 01/12/2004 07/12/2004 |
| LOBOOO040944 Progressive Casualty Insurance Company 200 Westgate Parkway, Ste 300 Richmond, VA 23233 | Scott Alan Beller | N/A | 02/23/2004 08/10/2004 |
| LOBOOO040414 Property Casualty Insurers-(Nat'l. Assoc. of Indep. Ins.) 2600 S. River Rd. Des Plaines, IL 60018 | Doyle, Leo | Property Casualty Insurers (Nat'l Assoc. of Indep. Ins.) 2600 S. River Road Des Plaines, IL 60018 Property and Casualty Insurance Industry | 01/16/2004 07/13/2004 |
| LOBOOO040789 Public Storage, Inc. 701 Western Avenue, Suite 200 Glendale, CA 91201 | McDonald, Tom Kerrigan, Kathleen | Public Storage, Inc. 701 Western Avenue, Suite 200 Glendale, CA 91201 Uniform Commerical Code | 01/09/2004 07/13/2004 |
| LOBOOO040850 Restaurant Association of Metropolitan Wash, Inc. 1200 17th Street NW. Ste 110 Washington, DC 20036 | Association, Restaurant | Restaurant Association of Metropolitan Washington, Inc. 1200 17th Street, NW. Ste. 110 Washington, DC 20036 | 01/21/2004 07/12/2004 |
| LOBOOO040757 Ron M. Linton 202 N. Water St. Chestertown, MD 21620 | Linton, Ron | Bear Stearns & Co. Inc. 383 Madison Ave. New York, NY 10179 | 01/09/2004 07/16/2004 |

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| City, State and Zip | | Nature of Lobbying | Term Date |
| LOBOOO041050 Sankyo Pharma Two Hilton Court Parsippany, NY 07054 | John Michael O'Brien | Sankyo Pharma Two Hilton Court Parsippany, NJ 07054 Pharmaceutical manufacturing | 04/16/2004 07/14/2004 |
| LOBOOO041118 Schering-Plough External Affairs 2000 Galloping Hill Road Kenilworth, NJ 07033 | Gary Riddle | Schering-Plough External Affairs 2000 Galloping Hill Road Kenilworth, NJ 07033 | 06/24/2004 07/08/2004 |
| LOBOOO040154 Scott Alan Beller 10750 Wheat First Dr, Ste. 410 Glen Allen, VA 23060 | N/A | N/A Auto Insurance | 01/15/2004 07/12/2004 |
| LOBOOO041169 Shaw Pittman LLP 2300 N St. NW Washington, DC 20037 | NA | Mt. Pleasant Business Association 3213 Mt Pleasant St. NW Washington, DC 20010 Telephone conference w/councilmember | 01/15/2004 07/16/2004 |
| LOBOOO040868 Shaw Pittman LLP 2300 N Street NW Washington, DC 20037 | Tummonds, Paul | Carr Enterprises, LLC 1750 H. Street NW Washington, DC 20006 | 01/22/2004 07/20/2004 |
| LOBOOO040865 Shaw Pittman, LLP 2300 N Street NW. Washington, DC 20037 | Tummonds, Paul | The Army Distaff Foundation 6200 Oregon Ave. NW Washington, DC 20015 | 01/22/2004 07/16/2004 |
| LOBOOO041165 Shaw Pittman, LLP 2300 N Street, NW Washington, DC 20037 | | Greenvest, L.C. 8614 Westwood Center Drive Vienna, VA 22182 Proposal for redevelopment | 07/16/2004 07/20/2004 |

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| City, State and Zip | | Nature of Lobbying | Term Date |
| LOBOOO041170 | | Delbe Real Estate | 07/16/2004 |
| Shaw Pittman, LLP | | 5125 MacArthur Blvd, NW, Ste. | 07/20/2004 |
| 2300 N Street, NW | | 430 | |
| Washington, DC 20037 | | Washington, DC 20016 | |
| | | Economic Development | |
| LOBOOO041162 | | Friends Committe on National | 07/16/2004 |
| Shaw Pittman, LLP | | Legislation | 07/20/2004 |
| 2300 N Street, NW | | 245 Second Street, NE | |
| Washington, DC 20037 | | Washington, DC 20002 | |
| | | Real Estate tax exemption | |
| LOBOOO040718 | Sloan, Douglass | Explore Information Services | 01/02/2004 |
| Sloan Consulting Inc. | | 5140 Moundview Drive | 07/10/2004 |
| 7600 Georgia Avenue, NW, #208 | | Redwing, MN 55066 | |
| Washington, DC 20012 | | Implementing cost saving prog. | |
| LOBOOO041089 | Douglass Sloan | American Assoc. of Naturopathic | 05/20/2004 |
| Sloan Consulting, Inc. | | Physicans | 07/12/2004 |
| 7600 Georgia Ave. NW. Ste. 208 | | 3201 New Mexico Ave. NW. Ste | |
| Washington, DC 20012 | | 350 | |
| | | Washington, DC 20016 | |
| LOBOOO041090 | Douglas Sloan | Sprint | 05/20/2004 |
| Sloan Consulting, Inc. | | 6450 Sprint Parkway | 07/12/2004 |
| 7600 Georgia Ave. NW. Ste. 208 | | Overland Park, KS 66251 | |
| Washington, DC 20012 | | Lobbying and Public Affairs | |
| | | Consultation. | |
| LOBOOO041091 | Douglas Sloan | Safeway Inc. | 05/20/2004 |
| Sloan Consulting, Inc. | | 4551 Forbes Blvd. | 07/12/2004 |
| 7600 Georgia Ave. NW. Ste. 208 | | Lanham, MD 20706 | |
| Washington, DC 20012 | | | |
| LOBOOO041091 | Douglas Sloan | Safeway Inc. | 05/20/2004 |
| Sloan Consulting, Inc. | | 4551 Forbes Blvd. | 07/12/2004 |
| 7600 Georgia Ave. NW. Ste. 208 | | Lanham, MD 20706 | |
| Washington, DC 20012 | | Safeway, Inc. | |

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| Lobbyist ID | Lobbyist Name | Compensating Registrant | Registrant Date |
|-----------------------------------|--------------------------------------|----------------------------------|------------------------|
| Registrant Name | | Address | Jan Date |
| Permanent Address | | City, State and Zip | July Date |
| City, State and Zip | | Nature of Lobbying | Term Date |
| LOBOOO040862 | Zowader, Don | Takeda Pharmaceuticals | 01/26/2004 |
| Takeda Pharmaceuticals America | | America | 07/13/2004 |
| 475 Half Day Rd. | | 475 Half Day Road | |
| Lincolnshire, IL 60069 | | Lincolnshire, IL 60069 | |
| LOBOOO040862 | Zowader, Don | Takeda Pharmaceuticals | 01/26/2004 |
| Takeda Pharmaceuticals America | | America | 07/13/2004 |
| 475 Half Day Rd. | | 475 Half Day Road | |
| Lincolnshire, IL 60069 | | Lincolnshire, IL 60069 | |
| | | Pharmaceutical Manufacturer | |
| LOBOOO040771 | Wilmot, David | Teachers Insurance and Annuity | 01/12/2004 |
| Teachers Insurance and Annuity | | Association College Retirement | 07/12/2004 |
| Association College Retirement | | Equities Fund (TIAA-CREF) | |
| Equities Fund(TIAA-CREF) | | 730 Third Avenue | |
| Office of Government | | New York, NY 10017 | |
| Affairs/Relations, 730 Third Ave, | | | |
| New York, NY 10017 | | | |
| LOBOOO040869 | Paul A. Tummonds Jr. | The Army Distaff Foundation Inc. | 01/22/2004 |
| The Army Distaff Foundation, Inc. | | 6200 Oregon Ave., NW | 07/16/2004 |
| 6200 Oregon Ave. NW | | Washington, DC 20015 | |
| Washington, DC 20015 | | | |
| LOBOOO040778 | Wilmot, David | The District of Columbia | 01/12/2004 |
| The District of Columbia | Bagwell, Andrea | Association of Health Maint. | 07/19/2004 |
| Association of Health Maint. | | Organizations (DCHMO) | |
| Organizations(DCHMO) | | 1010 Vermont Ave. NW. Ste. 810 | |
| 1010 Vermont Ave. NW. Ste 810 | | Washington, DC 20005 | |
| Washington, DC 20005 | | | |
| LOBOOO040768 | Brown, Max | The Forge Company | 01/12/2004 |
| The Forge Company | | 1050 Thomas Jefferson Street, | 07/15/2004 |
| 1050 Thomas Jefferson Street, | | NW, Ste. 100 | |
| NW. Ste 100 | | Washington, DC 20007 | |
| Washington, DC 20007 | | | |
| LOBOOO040556 | Arent Fox Kintner Plotkin & Kahn PLL | Not Applicable | 01/15/2004 |
| The Jewish Primary Day School of | | | 07/13/2004 |
| the Nation's Capital, Inc. | | | |
| 2100 Linden Lane | | | |
| Silver Spring, MD 20190 | | | |

| Lobbyist ID | Lobbyist Name | Compensating Registrant | Registrant Date |
|---------------------------------|-----------------------------|-----------------------------------|------------------------|
| Registrant Name | | Address | Jan Date |
| Permanent Address | | City, State and Zip | July Date |
| City, State and Zip | | Nature of Lobbying | Term Date |
| LOB000041147 | Kerry S. Pearson | Banum Place of Washington DC, | 07/15/2004 |
| The Kerry S. Pearson LLC | Bell Clement | Inc. | 07/19/2004 |
| 1225 19th Street, NW Suite 825 | John Tyson Jr | 2165 Sunnydale Blvd., Suite C | |
| Washington, DC 20036 | | Clearwater, FL 33765 | |
| LOB000041148 | Kerry S. Pearson | Fort Myer Construction | 07/15/2004 |
| The Kerry S. Pearson LLC | Bell Clement | Corporation | 07/21/2004 |
| 1225 19th Street, NW Suite 825 | John Tyson Jr. | 2237 33rd Street, NE | |
| Washington, DC 20036 | | Washington, DC 20018 | |
| LOB000040424 | Pearson, Kerry | The Kerry S. Pearson, LLC | 02/17/2004 |
| The Kerry S. Pearson LLC | Clement, Bell | 1225 19th Street, NW, Suite 825 | 07/21/2004 |
| 1225 19th St. NW. Suite 825 | Tyson, John | Washington, DC 20036 | |
| Washington, DC 20036 | Miller, Traci | N/A | |
| LOB000040933 | Kerry S. Pearson | The Related Companies, LP | 02/17/2004 |
| The Kerry S. Pearson, LLC | Bell Clement | 625 Madison Avenue, 9th Flr. | 08/03/2004 |
| 1225 19th Street, NW, Ste. 825 | John Tyson Jr. | New York, NY 10022 | |
| Washington, DC 20036 | Traci K. Miller | | |
| LOB000040934 | Kerry S. Pearson | Parkeon | 02/17/2004 |
| The Kerry S. Pearson, LLC | Bell Clement | 40 Twosome Drive, Unit #7 | 07/21/2004 |
| 1225 19th Street, NW, Ste. 825 | John Tyson Jr. | Moorestown, NJ 08057 | |
| Washington, DC 20036 | | | |
| LOB000040357 | Pearson, Kerry | ACS State Healthcare, Inc. | 02/17/2004 |
| The Kerry S. Pearson, LLC | Clement, Bell | 9040 Roswell Road, Ste. 700 | 07/19/2004 |
| 1225 19th Street, NW, Suite 825 | Tyson, John | Atlanta, GA 30350 | |
| Washington, DC 20036 | Miller, Traci | | |
| LOB000040941 | Kerry S. Pearson | ACS State & Local Solutions, Inc. | 02/17/2004 |
| The Kerry S. Pearson, LLC | Bell Clement John Tyson Jr. | 300 Frank W. Burr Blvd. | 07/19/2004 |
| 1225 19th Street NW. Ste. 825 | | Teaneck, NJ 07666 | |
| Washington, DC 20036 | | | |

| Lobbyist ID | Lobbyist Name | Compensating Registrant | Registrant Date |
|--|------------------------------------|---|------------------------|
| Registrant Name | | Address | Jan Date |
| Permanent Address | | City, State and Zip | July Date |
| City, State and Zip | | Nature of Lobbying | Term Date |
| LOBOOO041045 | William N. Hall | N/A | 03/30/2004 |
| The Nat'l Council to Prevent Delinquency | John D. McMickle | | 07/23/2004 |
| P.O. Box 2975 | | D.C. Graffiti Legislation | |
| Annapolis, MD 21404 | | | |
| LOBOOO040180 | Chernikoff & Company | The Phillips Collection | 01/15/2004 |
| The Phillips Collection | | 1600 21st Street, NW | 07/30/2004 |
| 1600 21st Street, N.W. | | Washington, DC 20009 | |
| Washington, DC 20009 | | Authorizing bond financing | |
| LOBOOO041088 | Michael Goodwin Arnold & Porter LL | The Shakespeare Theatre c/o | 03/23/2004 |
| The Shakespeare Theatre c/o | Thorn Pozen Arnold & Porter LLP | Nicholas T. Goldsborough | 07/12/2004 |
| Nicholas T. Goldsborough | | 516 8th Street SE. | |
| 516 8th St. SE. | | Washington, DC 20003 | |
| Washington, DC 20003 | | | |
| LOBOOO040437 | Adolph, Ronald | Waste Management of MD, Inc. | 01/08/2004 |
| The TAC Companies, LLC | | 4900 Beach Place | 07/15/2004 |
| 900 Second Street, NE. Suite 117 | | Temple Hills, MD 20748 | |
| Washington, DC 20002 | | Waste transfer | |
| LOBOOO040705 | Ray, John | Thompson Cobb, Bazillo & | 01/14/2004 |
| Thompson Cobb, Bazilio & | | Associates | 07/15/2004 |
| Associates | | 1101 15th Street, NW | |
| 1101 15th Street, NW | | Washington, DC 20005 | |
| Washington, DC 20005 | | | |
| LOBOOO040801 | | Tort Reform Institute, Inc. | 01/12/2004 |
| Tort Reform Institute, Inc. | | 1115 30th Street, NW | 07/12/2004 |
| 1115 30th St. NW | | Washington, DC 20007 | |
| Washington, DC 20007 | | | |
| LOBOOO040134 | George Covucci | Tregaron Limited Partnership | 01/15/2004 |
| Tregaron Limited Partnership | Thorn Pozen | 100 Ring Road West, #308 | 07/20/2004 |
| 100 Ring Road West, #208 | | Garden City, NY 11530 | |
| Garden City, NY 11530 | | Real Estate matters re: the Tregaron Estate | |

DISTRICT OF COLUMBIA REGISTER

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| City, State and Zip | | Nature of Lobbying | Term Date |
| LOBOOO040875 | Jones, Melvin | U.S. Jails & Prisons Forum | 01/26/2004 |
| U.S. Jails & Prisons Forum | | 77 Elmira Street SW. | 01/28/2004 |
| 77 Elmira Street SW. | | Washington, DC 20032 | |
| Washington, DC 20032 | | | |
| LOBOOO040807 | Leaman, Donna | USAA | 01/12/2004 |
| USAA | | 1900 Campus Commons Drive, | 07/13/2004 |
| 1900 Campus Commons Drive, | | Ste. 125 | |
| Ste. 125 | | Reston, VA 20191 | |
| Reston, VA 20191 | | | |
| LOBOOO040621 | Van Scoyoc, H. Stewart | Reino Parking Systems | 01/22/2004 |
| Van Scoyoc Associates | Lowe, George | 4723 Tidewater Ave., Suite C | 07/19/2004 |
| 101 Constitution Ave. NW., Ste 600 | Diech, Michael | Oakland, CA 94601 | |
| West, | | Parking Issues | |
| Washington, DC 20001 | | | |
| LOBOOO040159 | Van Scoyoc, H. Stewart | Atlantic Transportation & | 01/22/2004 |
| Van Scoyoc Associates | Drass, David | Equipment | 07/19/2004 |
| 101 Constitution Ave., NW #600 | Lowe, George | 12120 Conway Road | |
| Washington, DC 20001 | | Beltsville, MD 20705 | |
| | | District School Bus Issues | |
| LOBOOO041144 | H. Stewart Van Scoyoc | Heads Up: A University | 01/12/2004 |
| Van Scoyoc Associates, Inc. | | Neighborhood Initiative Inc. | 07/23/2004 |
| 101 Constitution Ave. NW. Ste | | 645 Pennsylvania Ave. SE, Ste. | |
| 600W | | 300 | |
| Washington, DC 20001 | | Washington, DC 20003 | |
| | | District Funding | |
| LOBOOO040823 | Goodwin, Michael | Washington Boat Lines, Inc. | 01/15/2004 |
| Washington Boat Lines, Inc. | Pozen, Thorn | 1050 Thomas Jefferson Street, | 07/12/2004 |
| 1050 Thomas Jefferson Street, | | NW, Suite 100 | |
| NW, Suite 100 | | Washington, DC 20007 | |
| Washington, DC 20007 | | General matters | |
| LOBOOO040767 | Rudolph, Mary | Washington DC Association of | 01/12/2004 |
| Washington DC Association of | | Realtors | 07/12/2004 |
| Realtors | | 1818 N Street NW. Ste. T-50 | |
| 1818 N Street NW. Ste. T-50 | | Washington, DC 20036 | |
| Washington, DC 20036 | | | |

| Lobbyist ID | Lobbyist Name | Compensating Registrant | Registrant Date |
|-----------------------------------|--------------------------------------|--|------------------------|
| Registrant Name | | Address | Jan Date |
| Permanent Address | | City, State and Zip | July Date |
| City, State and Zip | | Nature of Lobbying | Term Date |
| LOB000040043 | Steven Jumper | Washington Gas | 01/10/2004 |
| Washington Gas | Kathy Sternberg | 101 Constitution Avenue, NW | 07/12/2004 |
| 101 Constitution Avenue, NW | Doreen Hope | Washington, DC 20080 | |
| Washington, DC 20080 | Felix Patterson | Energy matters re: regulations and public policy | |
| LOB000040829 | Plotkin & Kahn, PLLC, Arent Fox Kint | Washington Jesuit Academy | 01/13/2004 |
| Washington Jesuit Academy | | 800 Third Street, NE | 07/12/2004 |
| 800 Third Street, NE | | Washington, DC 20002 | |
| Washington, DC 20002 | | Authorization for bond financing | |
| LOB000040803 | Adolph, Ronald | Waste Management of Maryland Inc. | 01/09/2004 |
| Waste Management of Maryland Inc. | | 4900 Beech Place | 01/20/2004 |
| 4900 Beech Place | | Temple Hills, MD 20748 | |
| Temple Hills, MD 20748 | | Waste Management | |
| LOB000040841 | Manatt Phelps & Phillips | William Calomiris Company, LLC | 01/08/2004 |
| William Calomiris Company, LLC | Manatt Phelps & Phillips | 1112 16th Street NW. 9th Flr. | 07/13/2004 |
| 1112 16th Street NW 9th Flr. | Ray, John | Washington, DC 20036 | |
| Washington, DC 20036 | Ang, Tina | The Housing Conversion and Sale Act of 1980 | |
| LOB000040920 | Hall, William | National Paint & Coatings Association | 02/12/2004 |
| Winston & Strawn | McMickle, John | 1500 Rhode Island Ave. NW. | 07/13/2004 |
| 1400 L. Street NW. | | Washington, DC 20005 | |
| Washington, DC 20005 | | | |
| LOB000040836 | Knight, Yvonne | Yvonne P. Knight | 01/09/2004 |
| Yvonne P. Knight | | 4400 Massachusetts Avenue, NW | 07/20/2004 |
| 4400 Massachusetts Avenue, NW | | Washington, DC 20016 | |
| Washington, DC 20016 | | Education | |

**Department of Consumer and Regulatory Affairs
Building and Land Regulation Administration**

NOTICE OF PUBLIC INTEREST

The Director of the Department of Consumer and Regulatory Affairs pursuant to D.C. Law 2-144, effective March 3, 1979 – **The Historic Landmark and District Protection Act of 1978** hereby gives notice that the addresses listed below, has requested permission to alter, sub-divide or erect new structures at the following locations

| Application Date | Address | Lot | Square | Use |
|-------------------------|----------------------------------|-------------------|---------------|----------------------|
| 5/26/04 | 2803 "N" Street, NW | 0163 | 1235 | Fence/SFD |
| | 1517 Church Street, NW | 0062 | 0194 | Concept |
| 5/27/04 | 3600 Prospect St., NW/Pool | 0839 | 1202 | Pool/SFD |
| | 1218 Potomac Ave., SE | 0039 | 1021 | Concept |
| | 2000 Rosemont Ave., NW | 0807 | 2618 | Concept |
| | 1901 6 th Street, NW | 0043 | 3092 | A/R Garage Steps/SFD |
| | 303 Mass Avenue, NE | 0021 | 0783 | Add/Office |
| 5/28/04 | 3001 Wisconsin Ave., NW | 0026 | 1944 | Concept |
| | 1125 11 th Street, NW | 0826 0050 | 0341 | |
| | 1802 "T" Street, NW | 0132 | 0809 | Concept |
| 6/1/04 | 1017 -19 "U" Street, NW | 0078 0079 | 0332 | Concept |
| | 1232 28 th Street, NW | 0012 | 1213 | Window/SFD |
| 6/2/04 | 3028, 3030, 3032 "M" Street, NW | 0073 0074/0075 | 1197 | Sheet & Shoring |
| | 2272 Cathedral | 0072 | 2206 | Deck/SFD |
| 6/3/04 | 901 30 th Street, NW | 0082 | 1171 | New Const. |

| | | | | |
|---------|----------------------------------|--------------|----------------|--------------------------------------|
| 6/4/04 | 3251 "Q" Street, NW | 0222 | 1279 | Fence, Porch Repair, Curb Cut/SFD |
| | 1401 Pa Ave., NW | 0033 | 0225 | S/W Café |
| | 1375 Missouri Avenue, NW | 0536 | Parcel 0087 | Concept |
| 6/7/04 | 1675 35 th Street, NW | 0812 | 1294 | Roof Façade/SFD |
| | 1250 28 th Street, NW | 0812 | 1213 | Add/SFD |
| | 326 12 th Street, NE | 0043 0838 | 0086 | Concept |
| | 323 Cambridge Pl., NW | 0064 | 1282 | Window/SFD |
| 6/8/04 | 3331 Dent Pl. NW | 0871 | 1290 | Amend SFD |
| 6/9/04 | 1564 33 rd St., NW | 0207 | 1272 | Fence SFD |
| 6/10/04 | 1310 Wisc. Ave., NW | 0143 | 1231 | Facade Sign/Rest |
| | 1218 31 st Street, NW | 0047 | 1208 | Façade Awning Retail |
| | 3700 "O" St., NW | 0001 | 1321 | Concept |
| | 3229 "M St., NW | 0805 | 1207 | Façade Retail |
| | 1340 31 st St., NW | 0835 0834 | 1243 | Concept |
| | 3028 Cambridge Pl, NW | 0048 | 1282 | Add Door/SFD |
| | 3038 Dumbarton Pl, NW | 0817 | 1233 | Concept |
| | 1039 33 rd St., NW | 0044 | 1186 | |
| | 3344 Prospect St., NW | 0832 | 1205 | Concept |
| 6/14/04 | 1241 33 rd St., NW | 0820 | 1219 | Canopy Door/SFD |
| | 3256 "N" St., NW | 0104 | 1218 | Concept |

| | | | | |
|---------|----------------------------------|-------------------|------|--------------------------|
| | 2719 "P" Street, NW | 0292 | 1266 | Railine/SFD |
| | 1911 Park Rd., NW | 0055 | 2617 | Porch Repair/SFD |
| | 1557 33 rd St., NW | 0872 | 1272 | Stoop & Stair SFD |
| | 2609 "P" Street, NW | 0095 | 1265 | Windows Doors/SFD |
| 6/16/04 | 2908 "N" Street, NW | 0019 | 1211 | Revision/SFD |
| | 2912 "N" Street, NW | 0018 | 1211 | |
| 6/17/04 | 3303 Cady's Alley, NW | 0060 | 1184 | Doors/Retail |
| | 1342 Fla. Ave., NE | 0000 | 0000 | Concept |
| | 3203 MLK Jr., Ave., SE | 0803 | 5990 | Concept |
| | 1626 34 th Street, NW | 0198 | 1277 | Concept |
| 6/21/04 | 3338 Dent Pl, NW | 0247 | 1278 | Changing windows & doors |
| 6/22/04 | 2148 "O" Street, NW | 0821 | 0069 | Windows Office |
| 6/23/04 | 3502 Winfield Ln., NW | 0082 | 1292 | New Bldg. |
| | 1421 23 Fla., Ave., NW | 0891 0892 | 2660 | Concept |
| 6/24/04 | 1519 "P" Street, NW | 0006 | 0194 | Concept |
| | 2919 Ordway St., NW | 0052 | 2068 | Concept |
| | 1526 8 th Street, NW | 0826 | 0397 | Concept |
| | 2105 10 th Street, NW | 0006 0007/0008 | 0358 | Concept |
| 6/25/04 | 910 "M" Street, NW | Multi | 0369 | New Bldg. |
| | 1934 Calvert St., NW | 0034 | 2546 | Concept |
| | 2422-30 "K" Street, NW | 0169 0828 | 0028 | Concept |
| | 1339 30 th Street, NW | 0128 | 1241 | Stairs Paint/SFD |

| | | | | |
|---------|----------------------------------|------|------|-------------------------------|
| | 1337 30 th Street, NW | 0127 | 1241 | Stairs Paint/SFD |
| | 931 "M" Street, NW | 0001 | 0368 | Concept |
| | 1824 "R" Street, NW | 0151 | 0134 | Add Fence/SFD |
| | 1072 30 th Street, NW | 0848 | 1197 | Fence SFD |
| | 1750 "N" Street, NW | 0806 | 0277 | New Roof Deck/Apt |
| | 2274 Cathedral Ave., NW | 0074 | 2206 | Enclose porch windows /SFD |
| 6/28/04 | 3515 Lowell Street, NW | 0008 | 1952 | Concept |
| | 1901 Ingelside Terr., NW | 0184 | 2617 | Repair Garage/SFD |
| 6/29/04 | 801 Pa. Ave., NW | 0836 | 0408 | Rooftop Antenna |
| 6/30/04 | 3040 Dumbarton St., NW | 0099 | 1233 | Revision |
| | 509 "C" Street, NE | 0805 | 0838 | Concept |
| 7/1/04 | 1718 Conn. Ave., NW | 0066 | 0092 | A/C Ramp Rest |
| | 201 E. Cap. Street, SE | 0031 | 0760 | Revision |
| 7/2/04 | 3122 Ordway Street, NW | 0873 | 2072 | Concept |
| | 408 Cons. Ave., NW | 0015 | 0871 | Concept |
| | 616 N. Carolina Ave., NE | 0801 | 0871 | Concept |
| 7/8/04 | 3124 "Q" Street, NW | 0076 | 1270 | Chimney Fence Wall/SFD |
| 7/9/04 | 1703 Dumbarton St., NW | 0812 | 2155 | A/R Ticket Booth |
| 7/12/04 | 1737 Hobart St., NW | 0071 | 2588 | RetWall Door/SFD |
| | 2000 Rosemont St., NW | 0807 | 2618 | Add/Retwall Fence |
| 7/15/04 | 1626 Wisc. Ave., NW | 0225 | 1279 | Sign/Retail |
| 7/16/04 | 3100 Macomb Street, NW | 0837 | 2084 | Concept |

**Department of Consumer and Regulatory Affairs
Building and Land Regulation Administration**

NOTICE OF PUBLIC INTEREST

Forwarded for your information is the weekly listing of **raze permit applications** filed with the Permit Service Center of the Building and Land Regulation Administration, requesting a permit to raze the following listed structures:

| Application Date | Address | Lot | Square | Use |
|-------------------------|----------------------------------|--------------|---------------|-------------------------|
| 5/26/04 | 222 "M" St., NW | 0301 | 0546 | 1-Story Church Bldg. |
| 5/27/04 | 1830 11 th St., NW | 0805 | 0306 | 2-Story apt. w/garage |
| | 1606-10 11 th St., NW | 0818 | 0309 | 1-Story |
| 6/9/04 | 131 Varum St., NW | 0072 | 3321 | 1-Story SFD |
| | 3559 Georgia Ave., NW | 0085 | 3033 | 2-Story Community Bldg. |
| 6/22/04 | 4924 Sherrier Pl., NW | 0820 | 1412 | 2-Story SFD w/garage |
| | 4930 Sherrier Pl., NW | 0831 | 1412 | 2-Story SFD |
| | 315 "H" Street, NE | 0814 | 0777 | 2-Story Community Bldg. |
| | 317 "H" Street, NE | 0815 | 0777 | 1-Story Community Bldg. |
| 7/8/04 | 2131 Lincoln Rd., NE | 0119 | 3539 | 2 2-Story Office Bldg |
| 7/15/04 | 3812 Fulton St., NW | 0810 | 1812 | 2 Story SFD w/Bsmt |
| | #1 DC Village Lane, SW | 0258 0019 | | 12 Bldgs. |

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS AND ETHICS**

**Certification of Filling a Vacancy
In Advisory Neighborhood Commission**

Pursuant to D.C. Code section §1-309.06 (d)(6)(G) and the resolution transmitted to the District of Columbia Board of Elections and Ethics ("Board") from the affected Advisory Neighborhood Commission, the Board hereby certifies that a vacancy has been filled in the following single member district by the individual listed below:

**Karyn-Sibohan Robinson
Single Member District 2B02**

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS AND ETHICS**

**Certification of Filling a Vacancy
In Advisory Neighborhood Commission**

Pursuant to D.C. Code section §1-309.06 (d)(6)(G) and the resolution transmitted to the District of Columbia Board of Elections and Ethics ("Board") from the affected Advisory Neighborhood Commission, the Board hereby certifies that a vacancy has been filled in the following single member district by the individual listed below:

**Mark L. Bjorge
Single Member District 2B05**

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS AND ETHICS**

**Certification of Filling a Vacancy
In Advisory Neighborhood Commission**

Pursuant to D.C. Code section §1-309.06 (d)(6)(G) and the resolution transmitted to the District of Columbia Board of Elections and Ethics ("Board") from the affected Advisory Neighborhood Commission, the Board hereby certifies that a vacancy has been filled in the following single member district by the individual listed below:

**Gerald Alan Schwinn
Single Member District 2B07**

**District of Columbia
Office of Grants Management
Department of Human Services**

**NOTICE OF FUNDING AVAILABILITY
REQUEST FOR APPLICATIONS (RFA): #0514-05**

**Income Maintenance Administration
Home Visits to TANF Sanctioned Customers**

DHS/IMA invites the submission of Applications for Funding through the Temporary Assistance for Needy Families (TANF) Program under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

**Announcement Date: August 13, 2004
RFA Release Date: August 20, 2004**

Application Submission Deadline: 4:30 pm, October 15, 2004
Applications to be submitted to the OGM Attn: Priscilla Burnette @ 64 New York Ave.,
N.W. Washington, DC 20002

**LATE APPLICATIONS WILL NOT BE FORWARDED TO
THE REVIEW PANEL**

NOTICE

PRE-APPLICATION CONFERENCE

WHEN: *Friday, September 10, 2004*

WHERE: *Income Maintenance Administration
(IMA)
645 H Street, NE
5th Floor Conference Room
Washington, DC 20002*

TIME: *10:00 a.m. – 12:00 p.m.*

CONTACT PERSON: *Jason Perkins-Cohen
Income Maintenance Administration
Office of Performance Monitoring
645 H Street, N.E. Suite 5600
Washington, DC 20002
(202) 698-3900*

**DISTRICT OF COLUMBIA
DEPARTMENT OF HUMAN SERVICES
INCOME MAINTENANCE ADMINISTRATION**

Introduction:

The Department of Human Services (DHS), Income Maintenance Administration (IMA) is the lead agency in the District of Columbia for the implementation of the Temporary Assistance for Needy Families (TANF) program. The TANF program, which replaced the former Aid to Families with Dependent Children (AFDC) program, provides cash assistance to eligible low-income families with children.

Adult TANF recipients who do not meet various exemption criteria are required to participate in work-related activities designed to assist them in preparing for, finding, and retaining unsubsidized employment. Adults who fail to comply with work requirements may be subject to sanctions that remove the adult's benefits from the family's grant, thereby reducing the overall level of cash assistance available to the family.

Through this RFA, DHS seeks to direct targeted assistance to TANF recipients who have been sanctioned for failure to comply with work requirements and certain other recipients whose lack of progress in the District's TANF Employment Program (TEP) has raised concern about their ability to transition from welfare to work. DHS is seeking to award grants to non-profit, community and faith-based organizations with offices within the District who can assist DHS in encouraging TANF recipients to re-engage in work activities or find services to address barriers to work or to provide proof of exemption from work requirements. Successful applicants will conduct a series of home visits with these families to explore factors resulting in sanction and/or failure to transition from welfare to work and help them to reengage in activities and/or address their barriers to work. DHS is seeking applicants who will do more than just visit homes and make referrals for services. Instead, DHS seeks to find applicants who will be able to develop a relationship with customers so it will be able to follow up with them to make sure that they received the service desired and are making progress.

Eligible Organizations/Entities

Applications are requested from not-for-profit community-based organizations in the District of Columbia that have strong ties to the communities in which TANF customers reside. Faith-based organizations, such as churches, synagogues, and mosques, or religiously based social service affiliates of such organizations, are also encouraged to apply. **Entities who are under contract with the Department of Human Services to provide employment services to TANF customers are not eligible to apply for this grant.**

Contact Persons:

For further information, please contact:

Jason Perkins-Cohen, Supervisory Program Monitor
Income Maintenance Administration
Office of Performance Monitoring
645 H Street, NE
Suite 5600
Washington, DC 20005
Phone (202) 698-3900
Fax (202) 698-6404
Email: jcohen@ima.dcgov.org

Internet

Applicants who obtained this RFA through the Office of Partnerships and Grants Development web-based Grants Clearinghouse at the following link: www.opgd.dc.gov, shall provide the Office of Grants Management with the following information;

- Name of organization;
- Key contact;
- Mailing address; and
- Telephone and fax numbers.

This information shall be provided so that the applicant will receive updates and/or addenda to the application.

Applications may also be obtained from Ms. Priscilla Burnett, Program Assistant for the Office of Grants Management at 64 New York Avenue, NE, Washington, DC, 6th floor, room 6201. Please call: (202) 671-4398.

DEPARTMENT OF HEALTH
HIV/AIDS ADMINISTRATION
HIV PREVENTION AND SUPPORT SERVICES

NOTICE OF FUNDING AVAILABILITY

The Government of the District of Columbia, Department of Health (DOH), HIV/AIDS Administration (HAA), is soliciting grant applications from qualified applicants to submit proposals in response to various funding service areas. The source of funding will be the HIV Prevention and Support Services program awarded to the District of Columbia from the U.S. Centers for Disease Control and Prevention.

The Request for Application (RFA) will be released on Monday, August 23, 2004 and the deadline for submission of applications is Friday, September 10, 2004 at 4:00 p.m. **Applications can be obtained from the DC Department of Health, 825 N. Capitol St., NE, 3rd Floor, Washington, DC 20002 between the hours of 9:00 am – 5:00 pm, or downloaded from www.opgd.dc.gov under District Grants Clearinghouse.** For additional information, please contact the Department of Health at (202) 442-9414.

**DEPARTMENT OF HEALTH
HIV/AIDS ADMINISTRATION
HOUSING FOR PERSONS LIVING WITH AIDS**

NOTICE OF FUNDING AVAILABILITY

The Government of the District of Columbia, Department of Health (DOH), HIV/AIDS Administration (HAA), is soliciting grant applications from qualified applicants to submit proposals in response to various funding service areas. The source of funding will be the Housing for Persons Living with AIDS program awarded to the District of Columbia from the U.S. Department of Housing and Urban Development.

The Request for Application (RFA) will be released on Monday, August 23, 2004 and the deadline for submission of applications is Friday, September 10, 2004 at 4:00 p.m. **Applications can be obtained from the DC Department of Health, 825 N. Capitol St., NE, 3rd Floor, Washington, DC 20002 between the hours of 9:00 am – 5:00 pm, or downloaded from www.opgd.dc.gov under District Grants Clearinghouse.** For additional information, please contact the Department of Health at (202) 442-9414.

THE DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF PROPOSED DESIGNATION OF ELDERLY-ONLY PROPERTIES

The Board of Commissioners of District of Columbia Housing Authority ("DCHA") hereby gives notice of the proposed designation of elderly-only properties for adoption in FY 2004. This notice is given under 14 DCMR 6114, Tenant Selection and Assignment: Elderly-Only Designations. In accordance with the authority granted to DCHA under the July 2003 Moving to Work Agreement between DCHA and the U.S. Department of Housing and Urban Development, and as specifically set forth in the Creative Living Solution Plan for Fiscal Year 2004, DCHA will designate certain properties as elderly-only from time to time.

This Notice satisfies the regulatory requirement, found at 14 DCMR 6114, that the names of properties being considered for designation as elderly-only be published in the D.C. Register.

| Property | Status | Address |
|--------------------|-----------------------------|-----------------------------|
| Carroll Apartments | Existing Public Housing | 410 M Street, SE |
| Knox Hill | Existing Public Housing | 2700 Jasper Street, SE |
| Wheeler Creek | HOPE VI Redevelopment | 900 Varney Street, SE |
| Capper Senior I | HOPE VI Redevelopment | 601 L Street, SE |
| Edgewood | Mixed Finance Redevelopment | 635 Edgewood Terrace, NE |
| Regency House | Existing Public Housing | 5201 Connecticut Avenue, NW |

Persons desiring to comment on these proposed designations may file comments in writing not later than twenty-one (21) days after the date of publication of this Notice in the D.C. Register. Comments should be filed with the Office of the General Counsel, DCHA, 1133 North Capitol Street, NE, Suite 210, Washington, DC 20002-7599.

DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

Judicial Tenure Commission Begins Review
of Judge For Senior Status

This is to notify members of the bar and the general public that the Commission is reviewing the qualifications of Senior Judge Eugene N. Hamilton of the Superior Court of the District of Columbia who has requested a recommendation for reappointment as a Senior Judge.

The District of Columbia Retired Judge Service Act P.L. 98-598, 98 Stat. 3142, as amended by the District of Columbia Judicial Efficiency and Improvement Act, P.L. 99-573, 100 Stat. 3233, §13(1) provides in part as follows:

"...A retired judge willing to perform judicial duties may request a recommendation as a senior judge from the Commission. Such judge shall submit to the Commission such information as the Commission considers necessary to a recommendation under this subsection.

(2) The Commission shall submit a written report of its recommendation and findings to the appropriate chief judge of the judge requesting appointment within 180 days of the date of the request for recommendation. The Commission, under such criteria as it considers appropriate, shall make a favorable or unfavorable recommendation to the appropriate chief judge regarding an appointment as senior judge. The recommendation of the Commission shall be final.

(3) The appropriate chief judge shall notify the Commission and the judge requesting appointment of such chief judge's decision regarding appointment within 30 days after receipt of the Commission's recommendation and findings. The decision of such chief judge regarding such appointment shall be final."

The Commission hereby requests members of the bar, litigants, former jurors, interested organizations and members of the public to submit any information bearing on the qualifications of Judge Hamilton which it is believed will aid the Commission. The cooperation of the community at an early stage will greatly aid the Commission in fulfilling its responsibilities. The identity of any person submitting materials will be kept confidential unless expressly authorized by the person submitting the information.

All communications should be mailed, faxed, or delivered by September 30, 2004, and addressed to:

District of Columbia Commission on Judicial
Disabilities and Tenure
Building A, Room 312
515 Fifth Street, N.W.
Washington, D.C. 20001
(Telephone: (202) 727-1363)
(FAX: (202) 727-9718)

The members of the Commission are:

Ronald Richardson, Chairperson
Hon. Gladys Kessler, Vice Chairperson
Mary E. Baluss, Esquire
Gary C. Dennis, M.D.
Eric H. Holder, Jr., Esquire
William P. Lightfoot, Esquire

Office of the Secretary of the
District of Columbia

Notice is hereby given that the following named persons have been appointed as Notaries Public in and for the District of Columbia, effective on or after September 1, 2004.

| | | |
|---------------------|-----|--|
| Alexander, Otis D. | New | 301 G St,SW 20024 |
| Allen, S. Kathryn | New | 714 Whittier St,NW 20012 |
| Anderson, Darlene | New | Acorn Housing 739 8 th St,SE2ndFl 20003 |
| Anderson, Eunice A. | Rpt | Merrill Lynch 1850 K St,NW#700 20006 |
| Anderson, Stephanie | New | Nedlaw-Deer 1225 Conn Ave,NW#2 20036 |
| Ayala, Claudia L. | New | Renovations Unlimited 1810 Hamlin St,NE 20018 |
| Baton, Lisa D. | New | OCC/Child Support 441 4 th St,NW5thFl 20001 |
| Beattie, John D. | New | Dykema Gossett 1300 I St,NW#300W 20005 |
| Boddie, Wilburn L. | Rpt | 3701 South Dakota Ave,NE 20018 |
| Bray, Laura C. | Rpt | Home Builders Institute 1201 15 th St,NW 20005 |

| | | |
|-----------------------|-----|--|
| Butler, Barbara M. | New | Hunton & Williams 1900 K St,NW 20006 |
| Campbell, Doritha E. | New | D. E. Campbell & Assoc 1717 K St,NW#600 20036 |
| Chance, Barbara J. | Rpt | DHS/I M I U 645 H St,NE4th Fl 20002 |
| Conzo, Toni M. | Rpt | Bank of America 730 15 th St,NW4thFl 20005 |
| Corbin-Jallow, Sharon | New | Congressional Budget Off FHOB #405 20515 |
| Curtis, Florence D. | Rpt | Stewart Partners 1333 H St,NWWT9thhFl 20005 |
| Davies, Alma H. | Rpt | Jackson & Campbell 1120 20th St,NW 20036 |
| DeHart, Jennifer | New | Fidelity Investments 1900 K St,NW#110 20006 |
| Dotson, Jill | New | Bread for the City 1525 7 th St,NW 20001 |
| Driscoll, Collen M. | Rpt | Conservation Intl 1919 M St,NW#600 20036 |
| Dudley, Timothy A. | New | Dudley & Singletary 2004 R I Ave,NE 20018 |
| Ford, Linsey | New | Webster Chamberlain Bean 1747 Pa Ave,NW#1000 20006 |
| Foster, Richard S. | New | Folger Nolan et al 725 15 th St,NW 20005 |
| Fricker, Sandra L. | New | Patton Boggs 2550 M St,NW 20037 |

| | | |
|----------------------|-----|--|
| Gehman, Janet M. | New | Dykema Gossett 1300 I St,NW#300W 20005 |
| Green, Carlotta M. | Rpt | D.C. Lottery Board 2101 MLK Ave,SE 20020 |
| Greer, Baunita | New | 4201 Mass Ave,NW#3088W 20016 |
| Hajducsek, Traci S. | New | National Title Corp 1516 P St,NW 20005 |
| Hall, Joan | Rpt | Sterne Kessler et al 1100 N Y Ave,NW 20005 |
| Harple, Sarah Marie | New | Miller Reporting 735 8 th St,SE 20003 |
| Hendry, Stephanie C. | New | HUD/Procument&Contracts 451 7 th St,SW#5256 20410 |
| Hughes, Ida | New | A. Wash & Associates 110 16 th St,SE#1A 20003 |
| Jackson, Merita | Rpt | Chemonics International 1133 20 th St,NW#600 20036 |
| Jenkins, LaTosha N. | New | Metro Wash C O G 777 N Cap St,NE#300 20002 |
| Kelly, LaVerne L. | Rpt | Adduci Mastriani et al 1200 17 th St,NW5thF1 20036 |
| Kim, Leslie P. | New | U P S Store 1718 M St,NW 20036 |
| Kinard, Alberta C. | Rpt | Empower America 1775 Pa Ave,NW11thF1 20006 |
| Krents, Katherine W. | Rpt | Cleary Gottlieb et al 2000 Pa Ave,NW 20006 |

| | | |
|-------------------------|-----|---|
| Li, Ilian | New | Wachovia 5100 Wis Ave,NW 20015 |
| Lipscomb, Mary B. | Rpt | Freilicher & Hoffman 919 18 th St,NW#250 20006 |
| Magruder, DeMara | New | 35 T St,NE 20002 |
| Manson, Mary E. | New | Episcopal Diocese/Wash Mt. St. Alban 20016 |
| Mathur, Indu | New | HUD/Procument&Contracts 451 7 th St,SW#5256 20410 |
| Meering, Jacqueline W. | Rpt | National Journal 600 N H Ave,NW 20037 |
| Meredith, John W. | New | Herson Auto Parts 72 Florida Ave,NE 20002 |
| Merrill, Rebecca L. | Rpt | Bristol Associates 1023 15 th St,NW#1100 20005 |
| Milline, Celeste R. | New | Nedlaw-Deer 1225 Conn Ave,NW#2 20036 |
| Morris, Catherine | New | Tax Executives Institute 1200 G St,NW#300 20005 |
| Nims, Jr., Frederick L. | New | E O P Real Estate 819 7 th St,NW#400 20001 |
| Nunn, Rogan | New | Morgan Stanley 1775 I St,NW#200 20006 |
| Paschoal, Celia | New | Natl Geographic Channels 1145 17 th St,NW 20036 |
| Ratliff, Heather M. | New | Ford & Harrison 1300 19 th St,NW#700 20036 |

| | | |
|-------------------------|-----|--|
| Rattan, Margaret H. | New | CitiGroup Private Bank 2099 Pa Ave,NW10thFl 20006 |
| Reedy, Jodi L. B. | New | Folger Nolan et al 725 15 th St,NW 20005 |
| Rhodes, Victoria M. | New | Wells Fargo Home Mortgage 1225 N Y Ave,NW#350 20005 |
| Roberts, Debra S. | New | Federal Title & Escrow 5335 Wis Ave,NW#700 20015 |
| Robinson, Wilmon C. | New | Duane Morris, LLP 1667 K St,NW#700 20006 |
| Ross, Cassie W. | New | Cushman & Wakefield 1801 K St,NW#1100L 20006 |
| Salvo, Jeffrey S. | New | Wachovia 5100 Wis Ave,NW 20016 |
| Scott, William K. | Rpt | Riggs Bank 808 17 th St,NW#770 20006 |
| Sellers, Gloria R. | Rpt | 925 25th St,NW#714 20037 |
| Slaughter, Leslie A. | New | Prestwick Pharmaceuticals 1825 K St,NW#1475 20006 |
| Stevens, Shirley | New | 4625 Minn Ave,NE 20019 |
| Sweet-Huber, Deborah R. | Rpt | Goodwin Procter 1717 Pa Ave,NW5thFl 20006 |
| Tait, Ann C. | New | Z E M S 1201 F St,NW 20004 |
| Taylor, Penelope E. | Rpt | Eisen & Rome 1 Thom Circle,NW#850 20005 |

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|-----------------------|-----|--|
| Thompson, Sidney S. | New | Alderson Reporting 1114 14 th St,NW#400 20005 |
| Torrillo, Connie E. | Rpt | O P M 1900 E St,NW 20415 |
| Twigg, Judith E. | New | Summit Comm Real Estate 1023 15 th St,NW#800 20005 |
| Wade, Bobby L. | New | 324 Bryant St,NE 20002 |
| Walker, Dorothy | New | Metropolitan Wash C O G 777 N Cap St,NE 20002 |
| Washington, Debra L. | New | Dept/Corrections 1923 Vt Ave,NW#NB13 20001 |
| Watkins, Vicki L. | New | McKee Nelson 1919 M St,NW#800 20036 |
| Weatherspoon, Cynthia | New | State Dept F C U Ft. McNair Bldg#41 20319 |
| Wiley, Sharon P. | Rpt | 3739 Minn Ave,NE 20019 |
| Wilson, Deborah J. | New | Amer Farmland Trust 1200 18 th St,NW#800 20036 |
| Woods, Sheronda L. | New | Legion Design 1025 Conn Ave,NW#415 20036 |
| Xanthakos, Natalia | New | Gibson Dunn & Crutcher 1050 Conn Ave,NW 20036 |

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Appeal No. 03-0001 of the administrative determination of the District of Columbia Department of Consumer and Regulatory Affairs Office of Adjudication (James Harmon, Attorney Examiner) made on April 4, 2003, upholding a notice of civil infraction issued to Peter Choharis based upon his failure to obtain a building permit for property located at 2771 Woodley Place, N.W.

HEARING DATE: April 13, 2004

DECISION DATE: April 20, 2004

DECISION AND ORDER

Background

Peter Choharis (the Appellant or Mr. Choharis) was served with a notice of infraction by the Department of Consumer and Regulatory Affairs (DCRA) pursuant to section 301 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1802.01 (2001)). The notice of infraction alleged that he had removed the steps of his porch without a building permit. Mr. Choharis contested the notice of infraction, and the matter was heard by the DCRA Office of Adjudication (OAD). The OAD Attorney Examiner found that Mr. Choharis had unlawfully removed the steps and issued a written decision to this effect. Mr. Choharis appealed this decision to the Board of Zoning Adjustment (the BZA), and both he and DCRA filed briefs and presented argument to the BZA. The threshold question is whether the BZA has subject matter jurisdiction over this appeal. For reasons explained in this Decision and Order, the BZA finds that it lacks subject matter jurisdiction and must dismiss the appeal.

FINDINGS OF FACT

1. On or about October 28, 2002, DCRA served a "Notice of Infraction" on Mr. Choharis alleging that he had removed the steps of his porch without a building permit in violation of section 10 of the Zoning Act of 1938, approved June 20, 1938, (52 Stat. 797; D.C. Official Code § 6-641.09). On its face, the notice provided for a \$500 fine.¹
2. Mr. Choharis requested a hearing and the matter was heard by DCRA's Office of Adjudication on or about January 22, 2003. A Decision and Order upholding the Notice of Infraction and fine was issued on or about April 4, 2003.
3. The Decision and Order also provided Mr. Choharis with instructions advising him of his right to appeal. The instructions stated, in part:

¹ The civil infraction fine schedule makes violations of section 10 a class 2 civil infraction. 16 DCMR § 3231.1. The fine for a class 2 infraction is \$500 for the first offense, 16 DCMR § 3201.1(b).

"In general all civil infraction orders are appealable to the BOARD OF APPEALS AND REVIEW. There are a few exceptions . . . If your matter concerns a violation of D.C. Zoning Regulations or chapter 4 (Zoning and Height of Buildings) of Title 5 of the D.C. Code², then your matter is appealable to the BOARD OF ZONING ADJUSTMENT."

CONCLUSIONS OF LAW

DCRA asserts that the appeal properly lies before the D.C. Board of Appeals and Review (BAR), not the Board of Zoning Adjustment (BZA).³ Appellant maintains that the BZA is authorized to hear this appeal under D.C. Official Code § 2-1803.01 (2001) because its text references violations of Chapter 6 of D.C. Code Title 6, references that indisputably incorporate the Zoning Act. Appellant is correct that D.C. Official Code § 2-1803.01 (2001) includes the Zoning Act reference. However, the text of the law actually passed by the Council of the District of Columbia contained no reference to the Zoning Act. In other words, the codified text is inconsistent with the text of the same provision as originally passed by the Council of the District of Columbia and published in the D.C. Statutes-at-Large. As will be explained below, the text of a provision contained in the D.C. Statutes at Large (or in the organic law) prevails over the text of the same provision as codified in the D.C. Code. Therefore, Appellant's reliance on the text of D.C. Official Code § 2-1803.01 is misplaced.

Pertinent Legal Provisions

The BZA's jurisdiction is set out in section 8(f) of the Zoning Act, presently codified at D.C. Official Code § 6-641.07(f). It states, in pertinent part, that appeals may be taken by any person aggrieved by any "administrative decision based in whole or in part upon any *zoning regulation or map* adopted under this act" (emphasis supplied).⁴ The plain words of this provision limit BZA appeals to issues arising from decisions related to the Zoning Regulations or Map. They do not encompass appeals related to the Zoning Act.

As noted above, Appellant's argument stems from a section of the D.C. Code that appears to carve out BZA jurisdiction for Zoning Act violations. This section (§ 2-1803.01) is part of the codified version of the Civil Infractions Act. However, as also noted above, the original text of the Civil Infractions Act is inconsistent with the codified version. As it appeared in the *D.C. Register* (32 DCR 4454-4455) and at page 549 of the 1985 volume of the District of Columbia Statutes-at-Large, section 303 of the Civil Infractions Act provided that all appeals under the Act would go to the Board of Appeals and Review:

² The reference is to the 1981 edition of the D.C. Code. The comparable reference to the 2001 edition would be Chapter 6 of Title 6.

³ Since the time this appeal was filed, BAR's jurisdiction has been transferred to the newly established Office of Administrative Hearings. However, this fact has no bearing on the legal issue before the BZA.

⁴ The current D.C. Code text actually says "adopted under this subchapter and subchapter V of this chapter".

except that appeals involving infractions of the Act to regulate the height of buildings in the District of Columbia, approved March 1, 1899⁵ (30 Stat. 923; D.C. Code sec. 25-101 et. seq.) [the Height Act], or the District of Columbia Zoning Regulations shall be entertained and decided by the District of Columbia Board of Zoning Adjustment ...

Emphasis added.⁶

Although § 301 of the Civil Infractions Act has been amended twice since 1985, no reference to the Zoning Act has ever been added.

Section 301 of the Civil Infractions Act specifically carves out of the BAR's jurisdiction infractions of the Zoning Regulations, but not infractions of the Zoning Act (*i.e.* the type of violation presently before the BZA). Consistent with this statutory scheme, the civil infraction fine for violating section 10 of the Zoning Act appears in the schedule of civil infraction fines for "DCRA Building Construction Branch Infractions" (16 DCMR § 3231, not in the schedule of fines for "DCRA Zoning Division Infractions" (16 DCMR § 3229).

The Version of Section 301 as Published in the D.C. Statutes-at-Large Prevails over the D.C. Code Codification of the Civil Infractions Act

Whenever the language of a codified statute differs from the language of the law enacted by the legislature, the language used by the legislature prevails. *See*, Sutherland, *Statutes and Statutory Construction*, 6th ed., vol. 1A, § 28:02 (2000). Section 207 of the District of Columbia Codification Act of 1975, effective October 8, 1975 (D.C. Law 1-19; D.C. Official Code § 2-605), requires that "[a]ll courts within the District of Columbia shall take judicial notice of the acts and resolutions published in the District of Columbia Statutes-at-Large." Thus "when the District of Columbia Statutes-at-Large are inconsistent with the Code ... the former must prevail". *Burt, et al., v. District of Columbia*, 525 A.2d 616, 619 (D.C. 1987). Applying *Burt* to the question before the BZA, the language of § 301 as published in the D.C. Statutes at Large must prevail over the D.C. Code language cited by Mr. Choharis.

Conclusion

Section 301 of the Civil Infractions Act does not confer jurisdiction on the BZA over administrative appeals unless the appeals stem from violations of the Height Act or the Zoning Regulations. The present appeal does not result from either type of violation, but arises from a violation of the Zoning Act itself. Neither the Zoning Act nor the Civil Infractions Act confers jurisdiction on the BZA to hear appeals regarding such a violation. Accordingly, the BZA must dismiss the appeal for lack of subject matter jurisdiction. While the Board finds it reasonable for the appellant to have relied on language incorrectly codified in the Official D.C. Code the Board is not empowered to create jurisdiction where it has none.

⁵ A later amendment corrected this date to June 1, 1910.

⁶ Other exceptions were made for infractions involving alcoholic beverages, professional occupations, and housing.

BZA APPEAL NO. 03-0001

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A court by its own words cannot create or extinguish its own subject matter jurisdiction. Rather, the source of jurisdiction is 'the constitutional and statutory provisions by which it is created'.

Appeal of A.H., 590 A.2d 123, 129 (D.C.1991). *quoting, Demar v. Open Space & Conservation Comm'n*, 211 Conn. 416, 423-27, 559 A.2d 1103, 1107-08 (1989).

For the reasons stated above, it is hereby **ORDERED** that the appeal is **DISMISSED**.

VOTE: 5-0-0 (Geoffrey H. Griffis, Ruthanne G. Miller, John A. Mann II, and Curtis L. Etherly, Jr., and Carol J. Mitten by absentee ballot, in favor of the motion to dismiss)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring member has approved the issuance of this Decision and Order.

FINAL DATE OF ORDER : JUL 23 2004

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.SG/rsn

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17063 of Jemal's Liggins LLC, pursuant to 11 DCMR 3103.2, for a variance from the off-street parking requirements under § 2101.1, and a variance from the off-street loading requirements under § 2201.1, in the DD/C-2-C District at premises 450 H Street, NW (Square 518, Lot 103).

HEARING DATES: September 9, 2003 and October 14, 2003
DECISION DATE: October 14, 2003

DECISION AND ORDER

Preliminary Matters

Jemal's Liggins LLC (the applicant), filed an application with the Board of Zoning Adjustment (the Board) on July 28, 2003 for variance relief under 11 DCMR § 3103.2 from the parking schedule requirements under § 2101.1 of the Zoning Regulations and from the off-street loading requirements under § 2201.1 of the Zoning Regulations. Specifically, the applicant seeks complete relief from the requirements to provide on-site parking and loading areas.¹

Notice of Public Hearing The Board scheduled a public hearing for September 9, 2003. Pursuant to 11 DCMR 3113.3, notice of the hearing was sent to the applicant, owners of all property within 200 feet of the site, the Advisory Neighborhood Commission (ANC) 6C, and the District of Columbia Office of Planning (OP). The applicant posted placards at the property regarding the application and public hearing and submitted an affidavit to the Board to this effect. The hearing was continued to October 14, 2003.

District Government Reports

OP Report OP reviewed the variance application and prepared a written report recommending that the Board grant the variance relief, including one condition that the applicant establish a curbside loading plan to avoid peak hours (Exhibit 25).

¹ Initially, the applicant sought only partial relief from the parking requirements and proposed to provide 8 of the 17 required spaces. However, the applicant was unable to proffer a precise plan for the parking configuration or the dimensions of the 8 spaces and conceded that the spaces would not be non-conforming. As a result, the Board determined to treat this application as a request for complete relief from the parking schedule requirements.

Department of Transportation The Department of Transportation (DDOT) also reviewed the variance application stating that it had no objection to the relief being granted subject to conditions, including one condition that the applicant coordinate with it regarding a curbside loading area designation.

ANC Report In its report dated September 22, 2003, ANC 6C indicated that at a regularly scheduled monthly meeting with a quorum present, it voted to support the variances requested (Exhibit 23).

Persons in Opposition to the Application No persons requested party status or testified in opposition to the Application.

FINDINGS OF FACT

The Property

1. The property that is the subject of this application (Lot 103 in Square 518) is located on the south side of H Street, NW, between 4th and 5th Streets, NW. It is rectangular in shape, contains a lot area of approximately 3,834 square feet, and has approximately 54 feet of frontage along H Street, NW. There is no access from any other street or alley.

2. The property is improved with a 10-story building that contains a gross floor area of approximately 31,685 square feet, resulting in a FAR of approximately 8.26. The building occupies the entire lot.

3. The property is well-served by public transportation and nearby off-street parking. It is located less than 1,000 feet from both the Gallery Place -- Chinatown and Judiciary Square Metrorail stations. Likewise, multiple Metrobus routes pass along H Street, NW, in front of the property. In addition, there are more than 1,200 public off-street parking spaces in 9 surface lots and below-grade garages within two blocks of the property.

The Surrounding Area

4. To the immediate east of the property stands the headquarters of the U.S. General Accounting Office (GAO), which occupies the bulk of Square 518. Elsewhere within Square 518 is the St. Mary Mother of God Church and accessory buildings located to the west and south of the property. Directly north across H Street, NW, is the Judiciary House apartment building, operated by the District of Columbia Housing Authority. To the northwest of the property, at the northeast corner of H and 5th Streets, are four small townhouse-type office buildings; and to

the northeast of the property, at the northwest corner of 4th and H Streets, is a 13-story apartment building under construction at 400 Massachusetts Avenue, NW.

Construction, Occupancy and Zoning History

5. Although the building was constructed in 1984, its interior finish was incomplete at that time and the building was unoccupied for 15-16 years, until 2002.

6. At the time of the building's construction in 1984, the property was zoned HR/SP-2, a mixed use zone requiring a residential/commercial building. The buildings' construction was subject to HR/SP-2 zoning restrictions and incentives, except to the extent relieved of such requirements by the Board in Order No. 14002, dated October 13, 1983 (the 1983 Order).

7. The HR\SP-2 zone permits a maximum matter of right FAR of 8.5, for hotels and apartment houses, otherwise, the maximum FAR is 6.0.

8. Although the HR/SP-2 zoning required 11 off-street parking spaces, the 1983 Order granted a variance for the number and size of the parking spaces, allowing 8 stacked spaces of less than the minimum required dimensions. The 8 parking spaces currently exist on a level below the first floor of the building. That level is accessed only from a ramp located on the adjacent GAO property.

9. The 1983 Order also approved a special exception to waive the rear yard requirements for the property and a special exception to construct an office building in an SP District. The Board did not approve a requested FAR variance, resulting in approval of a mixed-use building with floors 1 through 4 as office and 5 through 10 as residential apartments.

10. The Board found in its 1983 Order that the property was subject to an exceptional situation or condition in that it was a comparatively small, mid-block site for commercial development in the downtown area, with only one public street frontage, and with no alley access, or room for expansion. It also found that the size and location of the site, along with the existence of water conditions on the site, constituted an exceptional condition precluding the construction of more than one level of parking ramp below grade.

11. At the time of construction in 1984, no loading docks were required under the HR/SP-2 zoning, and none were provided. (Loading docks were required only where the amount of space contemplated for office use was more than 30,000 square feet or the number of residential units was more than 50.)

12. In 1991 the property was rezoned to its current designation, DD/C-2-C, a commercial zone within the Downtown Development District ("DD") Overlay. Like the HR/SP-2 district, this district is a mixed use district that requires a commercial/residential building. The maximum permitted FAR is 8.0, of which not less than 4.5 FAR of residential use must be provided on-site or accounted for off-site in a combined lot development, 11 DCMR § 1706.4. The 8.0 FAR limit may be exceeded under the circumstances described in § 1706.7, which includes obtaining up to .5 of additional FAR through a transfer of development rights.

13. The applicant purchased the property in 1999.

14. As a result of renovations to the building that occurred after January 18, 1991 (the effective date of the Downtown Development Overlay District), the building became subject to the overlay's "requirements and incentives", 11 DCMR § 1700.4.

15. In 2001 the applicant obtained a certificate of occupancy for office use, even though it had not accounted for the 4.5 FAR of residential uses it was required by law to provide. The applicant then leased the building to the Youth Services Administration of the D. C. Department of Human Services (YSA). To reflect the name of the tenant, different from that stamped on Certificate of Occupancy No. 190235, the Department of Consumer and Regulatory Affairs (DCRA) issued Certificate of Occupancy No. CO28793 on February 15, 2002, authorizing the "Youth Services Agency" to occupy the second through tenth floors of the building for office use.

16. In July 2003, DCRA notified YSA that it intended to revoke the office use certificate of occupancy because of the failure to provide the residential uses required by the Zoning Regulations and the terms of the 1983 Board Order requiring several floors of residential apartments.

The Requested Relief

17. The applicant seeks variance relief from the current zoning requirements for 17 parking spaces and off-street loading.² The applicant has not sought variance relief with respect to the use-related zoning violation cited in the notice of revocation, apparently because it intends to account for its residential requirement through a combined lot development. Nor did the applicant request a variance to the 8.0 FAR limit applicable to DD/C-2 properties, presumably

² The applicant also filed an appeal challenging DCRA's notice of intention to revoke the certificate of occupancy for office space. However, that appeal is not the subject of the proceeding.

because it intends to increase its maximum FAR to 8.26 through a transfer of development rights, or one of the other means available as a matter of right through 11 DCMR § 1706.7.

18. Assuming the commercial occupancy proposed for the building and the C-2-C zoning designation, 17 off-street parking spaces are required under § 2101.1 of the Zoning Regulations. The applicant is unable to provide any parking spaces that meet the dimensional requirements of the Zoning Regulations; and, therefore requests full relief from the parking schedule requirements.

19. With respect to loading requirements, § 2201.1 provides that office buildings in the C-2-C District with between 20,000 and 50,000 square feet of gross floor area, provide a minimum of one loading berth at 30 feet deep, one loading platform at 100 square feet, and one service/delivery loading space at 20 feet deep. The applicant has no space to locate a loading dock other than H Street, which is obviously an inappropriate location. Therefore, the applicant requests relief from the loading requirements in the Regulations as well.

Application of the Variance Standard

20. The Board agrees with OP that the property is unique in that it includes a completed building that is "boxed in" by its neighbors, namely, the GAO headquarters and the St. Mary's Church complex. There is no space for the applicant to provide additional parking or a loading dock. And, as found in the previous Board order, underground water conditions on the site are an exceptional circumstance that make construction of an underground garage inordinately difficult.

21. The exceptional condition of the property results in a practical difficulty in complying with the parking and loading requirements because, as noted by DDOT, the owner cannot provide required parking and loading facilities within the existing structure.

22. The granting of the variances will not cause substantial detriment to the public good nor impair the intent, purpose and integrity of the zone plan. As noted in finding of fact number 3, the area is well served by public transportation and off street parking facilities. The Board credits DDOT's conclusion that the requested variances would only slightly impact on street parking supply in the immediate area, and would not create dangerous or objectionable traffic conditions.

CONCLUSIONS OF LAW

The Board is authorized under § 8 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799), as amended; D.C. Official Code § 6-641.07(g)(3) (2001), to grant variances from the strict application of the Zoning Regulations. The applicant here seeks relief from the requirement under § 2101.1 of the Regulations that it provide 17 on-site parking spaces, and from § 2201 of the Regulations that it provide off-street loading areas.

Under the three-prong test for area variances set out in 11 DCMR § 3103.2, an applicant must demonstrate that (1) the property is unique because of its size, shape, topography, or other extraordinary or exceptional situation or condition inherent in the property; (2) the applicant will encounter practical difficulty if the Zoning Regulations are strictly applied; and (3) the requested variances will not result in substantial detriment to the public good or the zone plan. *See Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1167 (D.C. 1990). In order to prove "practical difficulties," an applicant must demonstrate first, that compliance with the area restriction would be unnecessarily burdensome; and, second, that the practical difficulties are unique to the particular property. *Id.* At 1170.

Unique conditions at the property necessitate a variance For many of the same reasons cited by the Board in 1983, this Board concludes that the property is subject to unique conditions that necessitate a variance. For example, this Board finds that the property is a comparatively small, mid-block site for commercial development in the downtown area, with only one public street frontage, no alley access, and no room for expansion. The size and location of the site, along with the existence of water conditions at the site, constitute exceptional conditions and the site cannot accommodate loading docks or more than one level of parking ramp. These conditions necessitate zoning relief today just as they did in 1983.

The applicant will encounter practical difficulty if the parking and loading requirements are strictly applied As also decided by the Board in 1983, this Board concludes that the strict application of the Zoning Regulations would result in practical difficulty for the applicant. Perhaps even more than in 1983, denial of the variance would result in practical difficulties. Today there is an existing 10-story building at the site, whereas in 1983 the property was vacant. Because the existing building covers 100% of the lot, the applicant cannot meet the on-site parking or loading requirements without demolishing the building. The Board is persuaded that it would be impossible or, at a minimum, extremely difficult and

costly to construct a below grade garage, in part due to the water conditions at the site.³

Neither the parking variance nor the loading dock variance will result in substantial detriment to the public good or the zone plan. Because the applicant requests a complete parking variance – it cannot provide any of the 17 required on-site spaces – the Board has carefully considered whether the applicant has met this prong of the variance test. Based upon the evidence, the Board concludes that the parking variance will not adversely impact neighboring properties or the zone plan. First, the Board is persuaded that there is sufficient off-site parking in the nearby vicinity to provide 17 spaces (Finding of Fact 3). Second, there is also ample public transportation in the nearby vicinity (*Id.*). Likewise, with respect to loading, the Board is cognizant that during the past year during which the property was occupied, the lack of loading facilities has not resulted in any disruption to traffic or other harm to the general public. In addition, the application has been reviewed by DDOT without objection. However, the Board believes that the applicant must coordinate with DDOT to designate a curbside loading area and develop a plan to avoid loading during peak hours, and therefore makes that a condition of this order.

The Board is basing its finding of no substantial detriment to the zone plan, in part, upon the assumption that the applicant will take the remaining steps necessary to achieve compliance with the zoning regulations by completing the combined lot development and transfer of development rights processes, both of which are *pro forma* in nature. Nevertheless, the Board stresses that this order appears to address but one of the zoning violations cited in the DCRA notice of proposed revocation. Thus, it would be incorrect to interpret this order as resolving whatever other zoning compliance issues remain.

The Board is required under D.C. Official Code § 1-309(d) (2001) to give “great weight” to the issues and concerns raised in the recommendations of the affected ANC. The Board has carefully considered the issues and concerns raised in the ANC’s report and testimony, which mirror those of the applicant. For the reasons stated in this Decision and Order, the Board finds the ANC’s advice to be persuasive.

3 The Board notes that additional parking requirements resulting from a change in zoning do not normally apply to buildings constructed prior to the zoning change, unless the building’s use subsequently intensifies or changes. This principle also applies to buildings for which a parking variance was granted before the rezoning. This variance was apparently requested as a result of the applicant’s desire to resolve any inconsistency between the use requirements of the prior owner and the ability, under the new zoning designation, to have a completely non-residential building, provided that the combined lot development process is completed.

In reviewing a variance application, the Board is also required under D.C. Official Code § 6-623.04 (2001) to give "great weight" to OP recommendations. For the reasons stated in this Decision and Order, the Board finds OP's advice to be persuasive.

Therefore, for the reasons stated above, it is hereby **ORDERED** that the application is hereby **GRANTED** to allow zoning relief from the requirement under § 2101.1 to provide 17 parking spaces and the requirement under § 2204.1 to provide on-site loading docks at the property located at 450 H Street, NW (Square 518, Lot 103) **SUBJECT** to the **CONDITION** that the applicant will coordinate with DDOT to designate a curbside loading area and a plan to avoid loading during peak hours.

VOTE: **5-0-0** (Geoffrey H. Griffis, Curtis L. Etherly, Jr., Ruthanne G. Miller, David A. Zaidain and Peter G. May voting to approve the application)

Vote taken on October 14, 2003

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring member has approved the issuance of this Decision and Order.

FINAL DATE OF ORDER: JUL 26 2004

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR

ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. SAG

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17176 of International Real Estate and High Tech Investment Group, pursuant to 11 DCMR § 3103.2, for a variance from the lot occupancy requirements under section 772, a variance from the rear yard requirements under section 774, and a variance from the nonconforming structure provisions under subsection 2001.3, to construct an addition to an existing apartment building in the C-2-A District at premises 1320 9th Street, N.W. (Square 367, Lot 823).

HEARING DATE: July 27, 2004
DECISION DATE: July 27, 2004 (Bench Decision)

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 2F, the Office of Planning (OP) and to owners of property within 200 feet of the site. The site of the application is located within the jurisdiction of ANC 2F. ANC 2F submitted a letter in support of the application. The OP submitted a report recommending approval of the application.

As directed by 11 DCMR § 3119.2, the Board required the applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance pursuant to 11 DCMR §§ 3103.2. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2, 772, 774 and 2001.3, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law. It is therefore **ORDERED** that this application be **GRANTED**.

VOTE: **5-0-0** (Geoffrey H. Griffis, Curtis L. Etherly, Jr., Ruthanne G. Miller, John A. Mann, II and John G. Parsons to approve)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring Board member has approved the issuance of this order.

FINAL DATE OF ORDER: JUL 27 2004

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE,

BZA APPLICATION NO. 17176

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COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17193 of MacArthur Laverock LLC, pursuant to 11 DCMR § 3103.2, for a variance from the rear yard requirements under section 404, to construct a single-family detached dwelling in the R-5-A District at premises 4600 block of Laverock Place, N.W. (Square 1356, Lot 36).

HEARING DATE: July 27, 2004
DECISION DATE: July 27, 2004 (Bench Decision)

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 3D, the Office of Planning (OP) and to owners of property within 200 feet of the site. The site of the application is located within the jurisdiction of ANC 3D. ANC 3D submitted a letter in support of the application. The OP submitted a report recommending approval of the application.

As directed by 11 DCMR § 3119.2, the Board required the applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance pursuant to 11 DCMR §§ 3103.2. No parties appeared at the public hearing in opposition to the application. The applicant has agreed to install an evergreen buffer along the property line shared with Washington MacArthur Associates at 4460 MacArthur Boulevard, N.W. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2 and 404, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law. It is therefore **ORDERED** that this application be **GRANTED**.

VOTE: 5-0-0 (Geoffrey H. Griffis, Ruthanne G. Miller, Curtis L. Etherly, Jr., John A. Mann, II and John G. Parsons to approve)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring Board member has approved the issuance of this order.

FINAL DATE OF ORDER: JUL 27 2004

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE,

BZA APPLICATIONJ NO. 17193

PAGE NO. 3

COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17198 of 701 Lamont LLC, pursuant to 11 DCMR § 3104.1, for a special exception from the roof structure requirements under section 411, and pursuant to 11 DCMR § 3103.2, a variance from the lot occupancy requirements under section 772, a variance from the residential recreation space requirements under section 773, and a variance from the nonconforming structure provisions under subsection 2001.3, to convert an existing storage facility to a residential apartment building in the C-2-A District at premises 701 Lamont Street, N.W. (Square 2893, Lot 878).

HEARING DATE: July 27, 2004
DECISION DATE: July 27, 2004 (Bench Decision)

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register and by mail to the Applicant, Advisory Neighborhood Commission (ANC) 1A, and to owners of all property within 200 feet of the property that is the subject of this application. The application was also referred to the Office of Planning (OP). The OP submitted a report in support of the application. The subject property is located within the jurisdiction of ANC 1A. ANC 1A submitted a letter in support of the application.

As directed by 11 DCMR § 3119.2, the Board required the applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception pursuant to 11 DCMR §§ 3104.1 and 411, and variances under 11 DCMR § 3103.2 from the strict application of the requirements of §§ 772, 773 and 2001.3.

While the Board approves all of the relief requested by the applicant, the Board notes its view that the project requires only a variance from the residential recreation space requirement. The proposed conversion of the existing building, which occupies over 94% of the lot, to residential use, a permitted use in the C-2-A zone, and the construction of a conforming penthouse do not require variance relief.

No party appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

The Board closed the record at the conclusion of the hearing. Based upon the record before the Board, and having given great weight to the Office of Planning and ANC reports filed in this case, the Board concludes that the applicant has met the burden of proof pursuant to 11 DCMR § 3104.1, for a special exception under section 411, that the requested relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

The Board also concludes that the applicant has met its burden of proof under 11 DCMR §§ 3103.2, 772, 773 and 2001.3, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. It is therefore **ORDERED** that the application is **GRANTED**.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 5-0-0 (Geoffrey H. Griffis, Ruthanne G. Miller, Curtis L. Etherly, Jr., John A. Mann II, and John G. Parsons to approve).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring member has approved the issuance of this Order.

FINAL DATE OF ORDER: July 28, 2004

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES

PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17199 of Benjamin and Louise Goddard, pursuant to 11 DCMR § 3103.2, for a variance from the floor area ratio (FAR) requirements under section 402, a variance from the lot occupancy requirements under section 403, a variance from the court requirements under section 406, and a variance to permit an addition to a nonconforming structure under subsection 2001.3, which now exceeds the FAR and lot occupancy requirements, to construct a one story rear addition to an existing three unit apartment building in the R-5-B District at premises 1310 Rhode Island Avenue, N.W. (Square 242, Lot 79).

HEARING DATE: July 27, 2004
DECISION DATE: July 27, 2004 (Bench Decision)

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 2F, the Office of Planning (OP) and to owners of property within 200 feet of the site. The site of the application is located within the jurisdiction of ANC 2F. ANC 2F did not participate in the application. The OP submitted a report recommending conditional approval of the application.

As directed by 11 DCMR § 3119.2, the Board required the applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance pursuant to 11 DCMR §§ 3103.2. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP report filed in this case, the Board concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2, 402, 403, 406 and 2001.3, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the

public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law. It is therefore **ORDERED** that this application be **GRANTED**.

VOTE: **5-0-0** (Ruthanne G. Miller, John A. Mann, II, Geoffrey H. Griffis, Curtis L. Etherly, Jr., and John G. Parsons to approve)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring Board member has approved the issuance of this order.

FINAL DATE OF ORDER: July 28, 2004

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE

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